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General Assembly

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Monday, 24 November 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 3.05 p.m.

Agenda item 39 (*continued*)

New Partnership for Africa's Development: progress in implementation and international support

(a) New Partnership for Africa's Development: progress in implementation and international support

Report of the Committee for Programme and Coordination (A/58/16, chapter III, section B, programme 8; chapter IV, section B)

The President: As members will recall, at the beginning of the consideration of this item, I reminded members of the decision taken by the General Assembly at its 2nd plenary meeting, on 19 September 2003, to review the recommendations by the Committee for Programme and Coordination and to transmit all relevant comments to the Fifth Committee prior to the Committee's consideration of the proposed medium-term plan and its revision.

As a result of that debate, it is my understanding that the General Assembly endorses the recommendations made by the Committee for Programme and Coordination, as contained in chapter III, section B, programme 8, and in chapter IV, section B, of its report (A/58/16), pertaining to the New Partnership for Africa's Development. In implementation of the decision taken by the Assembly on 19 September, it is my intention to communicate this information to the Chairman of the Fifth Committee by means of a letter. If I hear no objection, I shall take it that the Assembly agrees to endorse the recommendations.

It was so decided.

Agenda item 52 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/58/65 and Add.1, A/58/423)

Report of the United Nations Open-ended Consultative Process on Oceans and the Law of the Sea at its fourth meeting (A/58/95)

Report of the Committee for Programme and Coordination (A/58/16, chapter III, section C.2)

Draft resolution (A/58/L.19)

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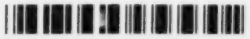

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/58/215)

Draft resolution (A/58/L.18)

The President: Before giving the floor to the first speaker on my list, I would like, in the interest of efficiently using the time allotted for this meeting, to encourage speakers to take a seat in section D, which is to my left, while the previous speaker is speaking so that, when I give the speaker the floor, there is no loss of time while the speaker approaches the rostrum. The cooperation and support of members in this area will be greatly appreciated.

Mr. Koonjul (Mauritius): I have the honour to speak on behalf of the 44 members of the Alliance of Small Island States. We would like to associate ourselves fully with the statement delivered earlier by Morocco on behalf of the Group of 77 and China.

The Alliance of Small Island States would like to thank the coordinators for the excellent manner in which they conducted the negotiations on the two draft resolutions before us. We would also like to thank the Division of Ocean Affairs and the Law of the Sea (DOALOS) for its support. The members of the Alliance will continue to be actively involved in the elaboration of draft resolutions under this agenda item in the future.

The ocean exerts an immense influence over small island developing States. That fact cannot be overstated. Along with sustaining the livelihood of many of our nationals and shaping the cultures of island communities, the ocean continues to play a vital role in the efforts of islands to attain sustainable development. It is therefore only natural that small islands should have particular interest in matters concerning the ocean and to the law of the sea — its constitution. It is from that background that we are honoured to take part in the debate on this agenda item.

The members of the Alliance of Small Island States (AOSIS) hold the United Nations Convention on the Law of the Sea in the highest regard. Almost all AOSIS members able to sign and ratify the Convention have done so. The Convention plays an important role in contributing to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights. It also promotes the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in its Charter. That role has never been more relevant than it is today.

Some 20 small island developing States have also ratified the 1995 Fish Stocks Agreement. However, implementation continues to be impeded by financial constraints and a lack of capacity. Added to that are the continuing challenges inherent in existing international legislative frameworks and mechanisms. Illegal, unreported and unregulated fishing and monitoring and surveillance of their own national exclusive economic zones continue to pose a tremendous challenge for small island developing States. We also encounter difficulties in monitoring and assessing straddling and highly migratory fish stocks. For that reason, there is a need to create new and to strengthen existing regional fisheries management mechanisms in order to conserve and manage that valuable resource.

We note with great appreciation that the draft resolutions focus, among other things, on the need for capacity-building for small island developing States and other groups of countries that are geographically disadvantaged in specific areas — some of which are highly technical in nature. Indeed, a lack of capacity owing to limited resources and technical know-how has continually been identified and emphasized as a major impediment for small island developing States in their efforts to effectively implement those important conventions.

We are also encouraged to observe that the fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has come up with very interesting recommendations, has, like the previous three meetings of the Consultative Process, contributed richly to our annual debate on this agenda item. Our members welcome the decision to convene a fifth meeting of the Consultative Process, and we look forward to participating in it next June.

The General Assembly has decided to convene an international meeting in my own country, Mauritius, in

August 2004 to undertake a full and comprehensive review of the implementation of the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States. It is envisaged that the issue of oceans will feature prominently at the international meeting and in its outcome. Indeed, the roots of the Barbados Programme of Action can be traced back to chapter 17 of Agenda 21, entitled "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources". The Barbados Programme of Action itself dedicates its chapter IV to ocean-related issues in the context of small island developing States. The link between oceans and islands is internationally recognized.

In the run-up to the international meeting, three regional preparatory meetings have already been convened: in the Pacific region; in the Atlantic, Indian Ocean, Mediterranean and the South China Sea region; and in the Caribbean region. The issue of oceans, their management and health and the sustainable development of their resources were among the priority issues highlighted at those meetings. It gives us great encouragement to note that some of those same concerns are also being raised in the two draft resolutions that are the subject of our debate today.

The international meeting will be an opportune time to consider in depth relevant ocean issues including, among others, the appropriate management approaches and tools to conserve, manage and protect our ocean resources within the context of small island developing States. We hope that the issue of the transport of hazardous materials, and especially nuclear waste — which have the potential to cause serious harm to our already fragile ecosystem and marine resources on which a large percentage of our population depends for their livelihood — will receive particular attention during the deliberations.

At the World Summit on Sustainable Development held in Johannesburg last year several type II partnership initiatives were announced. As is usually the case with small island developing States and the oceans, most of those initiatives are regionally based. Those initiatives are compatible with the United Nations Convention on the Law of the Sea and indeed promote several of the concepts and cooperation regimes contained in the Convention. Several ocean-related time-bound targets were also established in the Johannesburg Programme of Implementation of the World Summit on Sustainable Development. The small island developing States will continue their efforts to strengthen existing partnerships and develop new ones so that they can meet the ocean-related targets within the context of the sustainable development of small island developing States.

The small island developing States will also continue to actively participate in future deliberations on draft resolutions under this agenda item. Increasingly, oceans and islands are not merely seen as intertwined in our own island cultures; rather, the link between them has been recognized at the global level, as is now evident in various global and international forums.

Mr. Motomura (Japan): At the outset, I would like to express my appreciation for the coordinators of the draft resolutions before us today, namely, Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States. My thanks go as well to the countries that contributed to the consultations in a spirit of cooperation and to all the staff of the Division for Ocean Affairs and Law of the Sea, who have provided invaluable support. Thanks to their able leadership and unfailing cooperation, we had very fruitful discussions during the informal consultations, which resulted in the two draft resolutions before us. The Japanese Government is pleased to be a sponsor of draft resolution A/58/L.19. Regarding draft resolution A/58/L.18, we hope that it will be adopted by consensus.

Let me begin by mentioning the regime that the United Nations Convention on the Law of the Sea has provided. The number of States parties to the Convention is now 145, and the Agreement on the Implementation of Part XI has 117 States parties. We are pleased that the Convention now provides an almost universal legal framework for ocean affairs. At this time, however, the international community is facing a range of new problems, including transnational crimes, such as terrorism and illegal trafficking in drugs, and growing pressure on the marine environment. Japan considers that each of these issues must be addressed in a manner that respects the spirit and provisions of the Convention while maintaining, in principle, its framework.

My Government is committed to continuing its support of the organs established under the Convention,

namely, the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. We have actively participated in the work of those organs and are determined to further our contribution to their activities.

The world has been plagued by the threat of piracy and armed robbery at sea. While such incidents are occurring in all parts of the world, the majority have been perpetrated in the Asian region. Due to our concern over the increasing frequency of these crimes in the Asian region, Japan has been actively participating in the formulation of a regional agreement on cooperating in the prevention and combating of piracy and armed robbery on Asian seas. We believe that the importance of this kind of regional agreement is reflected in paragraph 37 of draft resolution A/58/L.19.

With a view to suppressing and preventing these crimes, the Japanese Government has been cooperating with South-East Asian countries, in particular in taking a variety of measures including consultation among experts, dispatching of patrol vessels and aircraft of the Japanese Coast Guard, combined exercises with those countries, holding of a maritime law enforcement seminar and accepting exchange students at the Japan Coast Guard Academy. My Government remains committed to the goal of bringing safety to the Asian seas.

Allow me next to touch upon the marine environment. The debate concerning the global environment has progressed significantly, especially since the Earth Summit, held in Rio de Janeiro in 1992, and the World Summit on Sustainable Development, held in Johannesburg in 2002, focused world attention on issues affecting the global environment.

To follow up the results of the Johannesburg Summit, the Japanese Government has been making every effort to contribute significantly to the enhancement of the ocean policies of coastal States at the national level, the strengthening of regional cooperation through the United Nations Environment Programme (UNEP) regional seas action plans and putting emphasis on the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Especially as regards the regional seas action plans, we are making progress in strengthening the functioning of the secretariat of the North-West Pacific Action Plan.

We highly appreciate the initiative taken by interested countries that have contributed to the establishment of the global marine assessment process, which is based on a previous resolution, resolution 57/141, and the Secretary-General's report of this year and which is now reflected in draft resolution A/58/L.19. My Government also intends to participate actively in that process.

We are seriously concerned about illegal, unreported and unregulated fishery activities and about overcapacity issues in global fisheries — in spite of the efforts towards sustainable use of living marine resources. As a responsible fishing State, Japan has shown a commitment to eliminating such fisheries in order to conserve the marine ecosystem. We therefore welcome enthusiastically the entry into force in April 2003 of the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas as a sign of significant progress. We hope that more countries will become States parties to the Compliance Agreement and that a global record of fishing vessels will be established by the Food and Agriculture Organization of the United Nations (FAO), thus making progress in over-capacity issues as well.

In that regard, we would like to stress that, in discussing the problems of conservation and management as well as of sustainable use of living marine resources, we should make certain that the discussion is based on scientific evidence provided by competent organizations such as the FAO and the regional fisheries management organizations, rather than relying on the United Nations, as those organizations have the required specialized knowledge and techniques to accurately assess the situation.

Lastly, I would like to express our appreciation to the Secretary-General and the Secretariat, and especially the Division for Ocean Affairs and the Law of the Sea, for all the work that went into the annual report of the Secretary-General, which describes the entire range of activities that have been conducted on ocean affairs and the law of the sea. I would also like to observe that the United Nations Open-ended Informal Consultative Process inaugurated in May 2000 has been an important forum for promoting discussion of these matters.

In concluding, I wish to reiterate that my Government will continue to contribute to the stability of the legal framework of ocean affairs and thereby to the promotion of the prudent and equitable use of the sea by the international community, in accordance with the Convention.

Mr. Kuchinsky (Ukraine): Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop the international law of the sea. the Convention's importance became even more evident when we celebrated it's twentieth anniversary last year. The Convention has proved to be not only a charter within which all activities related to oceans and seas should be carried out, but also the basis for a comprehensive system of economic and political cooperation in marine-related matters.

We cannot but emphasize the paramount importance of the 1995 Fish Stocks Agreement, which ensures conservation and management of those stocks on the basis of the principle of responsible fishing on the high seas. As a country actively participating in the international community's efforts to preserve the marine environment and to maintain and manage the fish stocks, Ukraine has become a party to that Agreement. I would like to take this opportunity to call on States that have not yet done so to accede to that important instrument in order to achieve the broadest possible participation. In this regard, Ukraine also welcomes the fact that the draft resolution to be adopted on sustainable fisheries (A/58/L.18) incorporates the recommendation of the last informal consultative meeting of the States parties to the Agreement on the establishment of a trust fund to assist developing States parties in their implementation of the Agreement.

My country has always attached great importance to the issue of fisheries. Ukraine's legislation on fisheries was developed on the basis of the provisions and principles of the Fish Stocks Agreement well before we became a party to the Agreement. Since the Ukrainian Parliament adopted the law on accession to the 1995 Fish Stocks Agreement last year, further practical steps to implement the provisions of the Agreement have been taken. They include, inter alia, Ukraine's adoption of a number of normative legal documents designed to enhance the role of the State in conducting ocean fishing and to increase the responsibility of vessel owners.

The overexploitation of living marine resources as a result of excess fishing capacities continues to be of concern to my country and to the rest of the international community. As a geographically disadvantaged country that borders a sea poor in living resources and that suffers from the depletion of the fish stocks of its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fisheries.

We strongly believe that all States should implement effective measures with respect to the conservation, management and exploitation of fish stocks to protect living marine resources and to preserve the marine environment. Better international cooperation is needed in that sphere. The crucial role here belongs to the relevant regional organizations. Regional fisheries organizations should enhance their cooperation with a greater number of States, particularly with States fishing in distant waters and with geographically disadvantaged States.

We emphasize the need to ensure effective coordination and cooperation in integrated ocean management, to facilitate sustainable fisheries and to enhance maritime safety as well as the protection of the marine environment from pollution. In that context, the Plan of Implementation adopted at the World Summit on Sustainable Development — part IV of which produced a vision of the strategy for future sustainable development of the oceans — should be implemented as a matter of priority. We are grateful to the Secretary-General for his report (A/58/65 and Add.1), which contains proposals on modalities for establishing a regular process under the United Nations for global reporting and assessment of the state of the marine environment.

The institutions established within the framework of the Convention are essential components of the global system for the rule of law on the oceans and the maintenance of peace and security there. We note with satisfaction the effective functioning of the International Seabed Authority. It is important that the Authority, while examining the reports submitted by contractors, continue to elaborate rules, regulations and procedures to ensure effective protection of the marine environment and conservation of the natural resources of the Area. Therefore, we reaffirm the crucial role that

the International Tribunal for the Law of the Sea has played in the process of interpreting and implementing the 1982 Convention and the Agreement on Part XI. Since handing down its first judgement, the Tribunal has considered 11 cases, and we hope for similar substantive achievements in the future.

Great progress has been made by the Commission on the Limits of the Continental Shelf, which has received its first submission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. However, most developing countries face substantial difficulties in preparing such submissions, primarily because of a lack of the necessary technical, scientific and financial resources. In that connection, my delegation welcomes the provisions of the present draft resolution on oceans and the law of the sea (A/58/L.19), aimed at facilitating the management of the Trust Fund for assistance in the preparation of submissions to the Commission by developing States.

The growing number of cases of piracy and armed robbery continues to be of major concern to the international community. As the report of the Secretary-General clearly indicates, such cruel and unlawful acts not only have negative economic effects on maritime transportation, but also constitute a real threat to the lives of crew members. Active measures on the part of States and international and regional organizations are needed to combat — and, more important, to prevent — such illegal acts at sea and to bring the perpetrators to justice.

In our view, the international community should devote more attention to the issue of preventing terrorist acts at sea. In that regard, universal participation in and due implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and related instruments are of paramount importance. Moreover, my country follows with great interest the ongoing review of the Convention by the International Maritime Organization, aimed at strengthening the means of combating such heinous and unlawful acts.

The General Assembly is in a unique position to gain a holistic perspective on the complex nature of ocean-related matters. In that connection, I should like to underline the importance of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which facilitates the General Assembly's annual review of developments in ocean affairs.

Finally, I should like to express my country's appreciation to the Secretary-General for both the quality and the scope of the reports under this agenda item, which are powerful tools facilitating international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intense and worthy of our praise.

Mr. Wang Guangya (China) (*spoke in Chinese*): First of all, I should like to thank the Secretary-General for his informative report on oceans and the law of the sea (A/58/65 and Add.1), which provides us with a useful basis for our consideration of the item on our agenda. I also wish to take this opportunity to express our appreciation to you, Mr. President, for your outstanding leadership, and to the Secretariat for the hard work it has done.

In order to meet humanity's need to explore, utilize and protect the oceans, the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the Convention contain provisions covering all areas related to ocean affairs. Thus they constitute a basic legal framework for human activities in that regard and serve to establish an order for ocean affairs in the modern era. We are pleased to note that, with ratification and accession on the part of 145 countries, the Convention is gaining in universality. We encourage more countries to join the Convention.

The Chinese delegation is also gratified to see the positive progress achieved in the work of the three international bodies established under the Convention. The International Tribunal for the Law of the Sea has admitted 11 cases since its establishment in 1996, playing a positive role in the peaceful settlement of ocean disputes and in the interpretation and implementation of the Convention.

The Commission on the Limits of the Continental Shelf has completed its preparations to review coastal State submissions on the outer limits of the continental shelf beyond 200 nautical miles, upon which the Commission must subsequently give scientific and technological advisory opinions. It has already completed its first such review: of the Russian Federation's submission.

The International Seabed Authority, having entered into contracts for exploration for polymetallic nodules with seven pioneer investors, is now engaged in developing new regulations for the prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts and has reinforced international marine scientific research relating to the seabed. We favour a greater role for all three bodies in facilitating the implementation of the Convention and maintaining international order in ocean affairs.

The Chinese Government highly values the role of the Convention. In our view, discussions within the United Nations framework on matters related to the Convention are of critical importance. The setting up of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea reflects the international community's general concern for marine environmental protection, integrated management and sustainable utilization of marine resources, the ocean-related capacity-building of developing countries and other issues. The Process has become an important forum where questions concerning oceans and the law of the sea are discussed and coordinated among countries, including States not parties to the Convention. It facilitates the consideration by the General Assembly of the agenda item under discussion and it serves that purpose well. We therefore welcome the decision made by the General Assembly last year to extend the Consultative Process for another three years.

At the fourth meeting of the Process, held last June, in-depth discussions were held on the safety of navigation, protection of vulnerable marine ecosystems, greater international cooperation and coordination of ocean affairs and other questions. Positive results were achieved.

The Chinese Government attaches great importance to the question of safety of navigation. It is our view that the current focus should be on emphasizing the responsibility of flag States in that regard. We suggest that the General Assembly invite the Division for Ocean Affairs and the Law of the Sea, in cooperation and in consultation with the relevant organizations and programmes within the United Nations system, to formulate a list of obligations and responsibilities of flag States and to urge all countries to establish effective control of ships registered under their flags.

With regard to the protection of vulnerable marine ecosystems, we believe it should be done within the framework of UNCLOS and other relevant conventions, with a balanced approach to protection and utilization, and adherence to the existing regimes covering the high seas and the international seabed. We propose that, to fill the vacuum left by the abolition of the Subcommittee on Oceans and Coastal Areas, the General Assembly create an effective, transparent and regular inter-agency cooperation and coordination mechanism within the United Nations system. We also propose that the General Assembly request the Secretary-General to convene an intergovernmental meeting soon to discuss and develop an implementation plan for the proposed mechanism for global reporting and assessment of the state of the marine environment.

The Chinese delegation notes the entry into force in December 2001 of the 1995 Fish Stocks Agreement. While, in our view, that Agreement is conducive to the harmonization of regulations concerning fishing activities on the high seas, the key to its enforcement lies at the regional level. Membership in regional fisheries management mechanisms and participation in the formulation of regional management measures will help eliminate differences among countries at the regional level. At the same time, the difficulties and special needs of developing countries in implementing the Agreement must be fully recognized. It is incumbent upon developed countries to provide developing countries with the necessary assistance and resources, with a view to enhancing their capacity to implement the Agreement and manage their fisheries.

The Chinese delegation notes that there is now extensive concern over large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments. China is a populous developing country, and its demand for fishery products is increasing. Consequently, the Chinese Government attaches great importance to the sustainability of fishery resources. China's basic policy is to promote sustainable development of fisheries through conservation and rational use of water-borne living resources. In that regard, the Chinese Government has taken a series of conservation and management measures that have yielded results, thereby enhancing the conservation of fishery resources in our territorial seas. China supports the

strengthening of fisheries management on a fair and equitable basis, in order to achieve sustainable development of fisheries worldwide.

The twenty-first century will be a century of the ocean. Along with the development of science and technology, progress in marine scientific research, the increase in mankind's need for marine resources and the growth of marine environmental concerns, all countries will give more attention to the use and protection of marine resources and will attach greater importance to the development of the law of the sea and to maintaining and building an international order in ocean affairs. The Chinese Government will spare no effort to honour its international commitments in the spirit of the Convention and to contribute to the implementation of the Convention, the development of the law of the sea and the promotion of peace, justice and progress for all mankind.

Mr. Bliss (Australia): A year ago we celebrated the twentieth anniversary of the adoption of the United Nations Convention on the Law of the Sea. Since then, we have moved closer to realizing the objective of universal adherence to the Convention, and Australia congratulates those who have acceded to it in the past year. We particularly welcome the recent ratification by Canada — a country with which we have worked closely and with which we share many common perspectives on oceans issues.

This year, after the celebrations, it is necessary to return to the hard work of implementation. This is the continuing challenge to which we must all respond: to ensure effective oceans governance through implementation of the Convention and related instruments. As the omnibus draft resolution (A/58/L.19) states, effective implementation of the Convention and related instruments can be achieved only through action at every level — national, regional and global.

At the national level, Australia continues to work within the framework of its oceans policy, designed to improve governance of the vast marine areas under Australia's jurisdiction. Just recently, we finalized the first draft regional marine plan for our south-east region — a plan which brings together conservation and use and signals a new era of governance for one of the largest exclusive economic zones in the world. It will provide the template for sustainable development of all Australia's ocean areas.

Action at the regional level is also crucial. The Permanent Representative of New Zealand, on behalf of the Pacific Islands Forum group, has highlighted some of the significant developments in the Pacific. We fully endorse his statement, and confirm our continued commitment to work through regional mechanisms towards effective regional oceans governance.

There has been considerable action at the global level as well. The adoption last year of the Johannesburg Plan of Implementation at the World Summit on Sustainable Development, with its detailed and forward-looking provisions on oceans, spelled out a comprehensive programme of action. It is now time for States to take that action.

The fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which was held in New York in June, demonstrated the utility of that forum, as well as the wisdom of the General Assembly in deciding, in resolution 57/141, to continue the Process for a further three years. The fact that so many of the recommendations of that meeting are reflected in the two draft resolutions before us demonstrates that it is truly widening and deepening the debate.

The recommendations of the fourth meeting of the Informal Consultative Process on the issue of the safety of navigation and flag-State implementation were a major step forward. As an island State heavily dependent on trade, the vast majority of which is transported by sea, Australia attaches great importance to ensuring the safety of navigation. The current picture is not a good one. Acts of piracy and armed robbery at sea and damage to the marine environment as a result of spills and groundings remain regular occurrences, sometimes with devastating effects. The answer is better implementation of the Convention and related instruments. Action is required of all States, including flag States, coastal States and port States. States cannot continue to treat with disdain provisions of the Convention on effective flag-State enforcement and the need for a genuine link between a vessel and its flag State. The paragraphs in the omnibus draft resolution that deal with the safety of navigation are a good step forward. Particularly important is operative paragraph 27, which urges flag States without the appropriate legal and administrative frameworks to either strengthen their controls or suspend their registers.

The recommendations of the fourth meeting of the Informal Consultative Process on the protection and management of vulnerable marine ecosystems, now reflected in the omnibus draft resolution, are also a step forward. We particularly welcome the focus on marine protected areas, coral reefs and pollution prevention.

Key categories of vulnerable marine ecosystems are those that lie beyond national jurisdictions. A few years ago, we did not know that those ecosystems existed; now, there is strong international agreement that those areas deserve attention and require effective conservation and management. Australia, in hosting an international meeting last June in Cairns on high-seas biodiversity, sought to contribute to, and further, that debate. We are therefore pleased that the omnibus draft resolution calls for international agencies to investigate the threats and risks to those ecosystems, and for the Secretary-General to report to the General Assembly on that issue.

In that context, Australia welcomes the focus of next year's Informal Consultative Process meeting on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdictions.

The establishment of the global marine assessment process is a major step towards improved oceans governance. The assessment will provide us with better information on the state of the world's oceans, and will be an important tool for policy makers at all levels. Australia recognizes Iceland's initiative and drive on that issue, and looks forward to working with Iceland and other States in this cooperative endeavour.

Australia has consistently called for the establishment of an effective inter-agency coordination mechanism that can ensure an integrated approach to oceans governance at the global level. We are therefore pleased that, after a number of years, that objective is in sight. Australia welcomes plans to establish the oceans and coastal areas network. We expect that to bring much-needed coherence to the diverse range of activities undertaken by the United Nations and related organizations in the oceans sphere.

On 27 August this year, Australian authorities, with the assistance of South African authorities, apprehended the *Viarsa*, a Uruguayan-flagged fishing vessel that had been fishing illegally in Australia's exclusive economic zone off the Heard and MacDonald Islands, south-west of the Australian mainland. An Australian fisheries enforcement vessel had chased the *Viarsa* for 20 days. It was the longest hot-pursuit in history, crossing two oceans and Antarctic waters. But Australia was determined to deliver a message, namely, that illegal, unreported and unregulated fishing must be, and will be, stopped. As we have said before in this forum and in many others, that sort of fishing continues to threaten the sustainability of many of the world's fisheries. It is a breach of the Convention. It is a contravention of the rights of other States. All States must cooperate to prevent it.

Australia is particularly pleased at the emphasis that the fisheries draft resolution places on cooperation to combat illegal, unreported and unregulated fishing. For the first time, the draft resolution encourages States to implement vessel-monitoring systems and trade-monitoring schemes to ensure compliance with rules set by regional fisheries management organizations. Those sorts of practical measures to ensure the implementation of legal arrangements are essential to effective fisheries management.

Also essential is widespread accession and adherence to the United Nations Fish Stocks Agreement. The Agreement is the touchstone of international efforts to achieve sustainable fisheries. Australia urges all States to become party to the Agreement as soon as possible and to implement its provisions. In that context, Australia emphasizes the importance of following strictly the language of the Agreement when dealing with management concepts, and regrets that the fisheries draft resolution does not always do so.

In relation to the language on the precautionary approach to the conservation, management and exploitation of fish stocks, Australia would like to note for the record that we see the precautionary approach to managing fisheries, as set out in article 6 and annex II to the Fish Stocks Agreement, as applicable not just to straddling and highly migratory stocks. That approach, which operationalizes principle 15 of the Rio Declaration, is an essential tool for sustainable fisheries everywhere. Many fish stocks have been reduced to a point where a cutback in effort consistent with article 6 and annex II of the Fish Stocks Agreement would actually increase economic yield, demonstrating that appropriate application of a

precautionary approach can deliver both conservation and economic benefits to our societies.

In closing, I wish to express Australia's support for the two draft resolutions that are before the General Assembly under this item. We thank the coordinators — Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States — for their excellent and skilful work. We also thank the Secretariat for its assistance. In that context, we join others in paying tribute to Mrs. Annick De Marffy for her leadership of the Division of Ocean Affairs and the Law of the Sea and the excellent contribution she has made over the years to our work on oceans and the law of the sea. We will miss her.

Australia is pleased to be a sponsor of the se texts.

Mr. Nambiar (India): My delegation welcomes the opportunity to participate in the debate on this item. We thank the Secretary-General for his reports on matters relating to the law of the sea and ocean affairs.

The 1982 United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out. My delegation attaches the highest importance to the strengthening and effective functioning of the institutions established under the Convention. Given the geography of India, with a coastline extending 4,000 miles and with 1,300 islands, we have a traditional and abiding interest in maritime and ocean affairs. The large population in our coastal areas and in the islands has always looked to the sea for sustenance.

We are happy to note that the number of States parties to the Convention has risen to 145, including the European community. Over the years, the Convention has gained greater acceptance, even from non-parties, advancing steadily towards its universal recognition and adhesion. We are happy to inform the General Assembly of India's depositing, on 19 August 2003, its instrument of accession to the 1995 Fish Stocks Agreement. We welcome the announcement of the European community of its intention to deposit its instrument of accession soon.

It is a matter of deep satisfaction that all the subsidiary institutions under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have made considerable progress in their respective fields of activity. We are working closely with all those institutions. We have invested heavily in the exploration of minerals in the deep seabed and we continue to incur considerable expenditures for the collection of data as a primary investor, and now as a contractor. The International Seabed Authority is considering the annual reports of contractors, the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, the role of the Authority in the conservation of biodiversity in the Area, activities relating to marine scientific research and the central data repository of the Authority. The proposal of the Authority to establish a geological model for the nodule province of the Clarion-Clipperton Fracture Zone is a welcome move. However, the need for preparation of similar models for other zones cannot be overemphasized.

We welcome the progress made by the Commission in the last session, especially its decision to include in its recommendations on a claim submitted by a State, an executive summary containing a general description of the extended continental shelf as well as a set of coordinates and illustrative charts, as appropriate, to identify the line describing the outer limits recommended by the Commission. The executive summary would provide useful information on the practical application of the Convention, assist other States in preparing their claims for submissions and would lead to a uniform application and interpretation of the relevant provisions of the Convention.

We believe that capacity-building of developing States to assist them in acquiring knowledge and skills in regard to their preparations and submissions on the outer limits of the continental shelf is vital to the effective implementation of the Convention. States which have expertise in the delineation of outer limits of the continental shelf should extend cooperation in providing assistance to developing States which are in the process of preparing submissions to the Commission.

India has the requisite expertise on the assessment and mapping of the continental shelf, and is willing to extend cooperation in training developing countries for this purpose. We also welcome in this context the efforts of the Division for Ocean Affairs and the Law of the Sea in bringing out a training manual to assist States in developing the requisite knowledge and skills in their preparation of

submissions in respect of the outer limits of the continental shelf.

Since the last report of the Secretary-General on this agenda item, the international community has continued to focus on issues relating to navigation, conservation and management of living marine resources and coastal biodiversity, protection of marine environment and international coordination and cooperation.

In the area of navigation, we would like to express our serious concern with the increase in the incidents of crimes at sea, more particularly the 37 per cent increase in the number of reported incidents of piracy and armed robbery against ships worldwide in the first six months of 2003, compared to the corresponding period in 2002. Rising incidents of piracy and armed robbery at sea have been highlighted in the Secretary-General's report. In this regard, regional cooperation to combat piracy has become important. In the Asia Pacific region, India has been actively involved in the ongoing efforts initiated by Japan to establish a regional cooperation agreement against piracy along with 15 other States of the region.

We believe that prevention and suppression of acts of terrorism against shipping are very important aspects in dealing with crimes at sea. We welcome the decision of the International Maritime Organization to include new offences against security of navigation, in addition to the existing offences already covered under the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol. We also support in principle the inclusion of new interdictory measures which would authorize a State party, other than the flag State, to take enforcement action with respect to a vessel that it has reasonable grounds to suspect is involved in, or the target of, a commission of an offence under the Convention.

It is a matter of grave concern that in less than 50 years, industrial fishing fleets have managed to wipe out nine-tenths of the world's biggest and most economically important species of fish. The efforts that have been taken to improve the conservation and management of the world's fisheries have been confronted by the increase in illegal, unregulated and unreported (IUU) fishing activities on the high seas, in contravention of all measures for conservation and management adopted by regional fishery organizations, and in areas under national jurisdiction, in violation of the sovereign rights of coastal States to conserve and manage their marine living resources.

We believe that effective implementation of the international plan of action of the Food and Agriculture Organization to prevent, deter, and eliminate IUU fishing at the international level would help in reversing the trend in many areas and will guarantee enforcement of the rights of developing coastal States. We fully endorse the approach approved by the World Summit on Sustainable Development which emphasized the need for enabling the developing countries to develop national, regional and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries.

We are also in full agreement that the displacement of fishing fleets from areas under the national jurisdiction of developed Member States to fisheries located in developing countries gives rise to a significant problem that encourages the expansion of IUU fishing, with negative implications for global fisheries. Enhanced cooperation among all concerned States for appropriate enforcement of agreed conservation measures, including cooperation through the regional agency of coastal States, in enforcing compliance against the vessels originating beyond the region would be more effective in eliminating IUU fishing.

The Secretary-General's report on the section dealing with the protection and preservation of the marine environment has been fairly comprehensive. The marine environment today is increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils and litter that have negative implications on human health, poverty alleviation, food security and safety. The problem is aggravated further by pollution from vessels and oil spills.

In this context, the fourth session of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea was very useful in deepening the understanding of protection of vulnerable marine ecosystems and the utility of hydrographic surveys and nautical charts facilitating the safety of navigation, life at sea and environmental protection, including vulnerable marine ecosystems.

Yet another area of focus in the Consultative Process was the biodiversity of open oceans beyond

national jurisdiction. The Johannesburg Plan of Implementation, the Subsidiary Body for Scientific and Technical Advice of the Conference of the Parties to the Convention on Biological Diversity, and the Legal and Technical Commission of the International Seabed Authority have also examined this issue to the extent that it falls within their competence. However, we believe that any legal mechanism contemplated to counter the threats to biodiversity beyond national jurisdiction needs to be approached very cautiously so as not to upset the delicate balance of international rights and obligations in areas outside national jurisdiction.

Coordination and cooperation at the international level remain critical prerequisites for effective governance of the world's oceans and seas. Establishment of a regular process under the United Nations for global reporting and assessment of the state of marine environment is most significant in this regard. However, this process has to be built upon existing assessments, avoiding duplication, as the funding requirements for the process could be quite considerable. My delegation looks forward to seeing that process result in a regular and coherent overview of the marine environment, particularly in the areas where there is currently a lack of information.

Mr. Dos Santos (Brazil): My delegation associates itself with the statement by the representative of Peru, on behalf of the Rio Group. We now take the opportunity to make a few additional remarks in our national capacity.

I begin by congratulating the Secretary-General on his annual report on oceans and the law of the sea. The variety and complexity of the issues reflected in the annual report clearly confirm the usefulness of the General Assembly debate on this wide range of interdependent matters. While noticeable progress has been made, much remains to be done. The report plays a crucial role in helping to raise awareness concerning the need for action to reduce the ever-increasing impact of uncontrolled and unsustainable exploitation of the oceans and their resources.

Our fundamental challenge remains the effective implementation and regulation of the international legal framework established under the Convention. Therefore, we consider that any progress in generating an improved legal framework for regulating the use of the oceans would be highly positive and welcomed. In this sense, the entry into force of the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks is a remarkable milestone in the ongoing endeavour to progressively enact a comprehensive constitution of the oceans.

On this particular issue, my delegation would like to congratulate the delegation of Canada upon its ratification of the United Nations Convention on the Law of the Sea, which constitutes a clear signal of the Convention's universal character and an additional effort to step up to the challenge of its effective implementation.

That challenge will require, as we well know, a fuller understanding of the interrelation of the problems concerning oceans and seas, which require a holistic approach. We believe that the Informal Consultative Process has helped focus attention on the need for greater coordination of issues related to the oceans. The output of the Informal Consultative Process meetings has been satisfactory and useful.

However, we have some concerns about the constrictive timeframe set to reach the outcome of the Process, which intends to express an achievable consensus. There should be no doubt that the necessary scientific explanations and the subsequent debate are the principal goals of the Process. This year, once more, the debates during the Informal Consultative Process have focused on crosscutting issues that are crucial for an effective and comprehensive policy related to the oceans and the law of the sea. Brazil is pleased to note the importance accorded to the issue of capacity-building, because together with the transfer of up-to-date technological resources, this is crucial not only to the safety of navigation but also to providing impetus for the indigenous development of marine science and technology.

The Informal Consultative Process continues to highlight the need to activate existing regional and global mechanisms towards fostering international cooperation. Only thus will many countries, especially developing ones, acquire the means to promote the sustainable exploitation of their marine resources. With regard to that particular issue, we have confidence in the establishment of a new coordinating mechanism called for in draft resolution A/58/L.19.

The recommended area for discussion during next year's meeting of the Informal Consultative Process —

the new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction — will definitely contribute to a better approach to the issues related to environmental protection and to the strengthening of cooperation in maritime matters.

With regard to the draft resolutions presented today (A/58/L.18 and L.19), first of all, my delegation congratulates the two coordinators, from New Zealand and the United States of America, on the valuable work they accomplished. My delegation is also pleased that the draft resolutions again cover a wide array of issues that are extremely relevant to ocean affairs, in particular the important work of the International Tribunal for the Law of the Sea on promoting the rule of law. The draft resolutions also recall the need for full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and emphasize the adoption of a common approach to enforcement, investigation and prevention concerning maritime safety and security and the degradation of the marine environment.

My delegation would like to stress that any measure regarding maritime safety and security or protection of the marine environment must consider the global consequences and must be consistent with the rights and obligations enshrined in the Convention and other related international instruments.

With regard to non-living marine resources of the international seabed, Brazil supports the good work of the International Seabed Authority. We particularly appreciate the work conducted by the Legal and Technical Commission of the Authority in setting up the necessary environmental guidelines for future activities in the field of polymetallic sulphides and cobalt-rich crusts in the Area.

Last year we had the privilege of commemorating the twentieth anniversary of the opening for signature of the Convention. In the company of some of the illustrious founding fathers of the Convention, we were afforded a review of its historic accomplishments and a preview of the many challenges before us as we consider the next 20 years.

Finally, we believe that this year's debate will provide further encouragement for us to continue and improve the necessary work towards the full implementation of the Convention so as to safeguard the oceans and the bounty they represent for mankind.

Mr. Kanu (Sierra Leone): Sierra Leone wishes at the outset to associate itself with the statement made this morning by the representative of Morocco on behalf of the Group of 77 and China. At the same time, we wish to commend the coordinators of draft resolutions A/58/L.18 and A/58/L.19, the representatives of New Zealand and the United States, for a job well done. I will now make a few remarks from the national perspective of Sierra Leone.

The adoption of the Convention on the Law of the Sea on 10 December 1982 was a significant development in the care and management of the oceans and seas. As an ocean and marine State, Sierra Leone has a global commitment to the sustainable use and development of the oceans and their varied resources. Sierra Leone's history, trade and economic development are inextricably linked with the sea. Our export and import activities are conducted mainly through ships. A substantial number of our nationals are engaged in activities connected with the sea, including activities such as fishing, shipping, tourism, agriculture and, more recently, oil exploration and development.

Over the years, Sierra Leone has participated actively in the General Assembly's annual consideration of matters relating to oceans and the law of the sea. Our sponsorship of the two draft resolutions, on oceans and the law of the sea, and on fisheries, is a concrete expression of the importance we attach to issues of oceans and the law of the sea.

The International Seabed Authority, created under part XI of the Convention, was mandated to organize and control the exploration and exploitation of the non-living resources of the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction. In that regard, we welcome the progress achieved thus far during the ninth session of the Authority and also the achievements of the Legal and Technical Commission.

Notwithstanding what has been achieved thus far, there is still much work to be done by the Authority, especially as developing States, and in particular the least developed countries, small island developing States and the coastal African States, do not appear to have had substantial benefits from the concepts of exclusive economic zones and the common heritage of

mankind. In my delegation's view, it seems that traditional concepts of managing and sharing global economic resources continue to prevail. The exclusive economic zone concept has not led to any fundamental redistribution of the ocean's resources.

There is a great need for States parties to the Convention, especially those from developing countries and small island developing States, as well as coastal African States, to attend and participate in the meetings of the International Seabed Authority to ensure that their views are articulated and reflected in its work. The lack of participation by many States in the work of the Authority is due mainly to the financial constraints faced by those States. Perhaps developed States can assist in that regard, facilitating the participation of the least developed States in the work of the Authority by providing limited financial assistance. Such help would guarantee effective developing-country participation and thus ensure equal distribution of the benefits of the common heritage of mankind.

Developing countries — in particular, least developed countries, small island developing States and coastal African States — have not been able to fully comply with the implementation of the provisions of the Convention both at the national and international levels. We welcome the establishment of trust funds for the purpose of, first, providing assistance to States parties in meeting their obligations under article 76 of the Convention, and, secondly, providing training to countries — in particular the least developed among them and the small island developing States — to enable them to prepare their submissions to the Commission on the Limits of the Continental Shelf. In that regard, my delegation would like to reiterate its thanks to the Government of Norway — to single out just one country — for taking the lead in the provision of technical and financial assistance to developing countries. In addition, we welcome the assistance made available to States parties by the Commission on the Limits of the Continental Shelf for the preparation of submissions in respect of the outer limits of the continental shelf. We profoundly thank the Commission for organizing training courses for States parties, especially those from developing countries.

The Secretary-General's report on oceans and the law of the sea (A/58/65) notes that the United Nations Convention on the Law of the Sea balances the right of flag States to exercise their rights of navigation with their duty to ensure that any ships flying their flag are safe for navigation. In that regard, article 94 of the Convention sets out several measures which flag States are required to take in order to ensure safety at sea.

Noting that the United Nations specialized agency with the recognized mandate in this area is the International Maritime Organization (IMO), Sierra Leone welcomes the June 2003 amendments to the 1988 Protocol to the International Convention on Load Lines, adopted by IMO's Maritime Safety Committee (MSC) at its seventy-seventh session (resolution MSC.143(77)). Those amendments provide for significant changes in the structural requirements for the safety of ships, in particular bulk carriers. The amendments are expected to enter into force on 1 January 2005.

Another welcome development is the proposal by 15 member States of the European Union and the European Commission to amend annex 1 of the International Convention for the Prevention of Pollution from Ships,1973, as modified by the Protocol of 1978 relating thereto, to further accelerate the phasing out of single-hull tankers. The proposals were submitted at the forty-ninth session of the IMO Marine Environment Protection Committee in July this year. The proposals also include measures relating to the age of tankers that carry heavy grades of oil. The proposals, if adopted, will go a long way to protect the marine environment. My delegation hopes that the proposals will be matched by effective monitoring measures to punish those that transgress them.

Sierra Leone is seriously concerned about the widespread use of flags of convenience. It is well known that shipowners use flags of convenience that have no genuine link to either the ship or the flag State apart from the payment of money. It is therefore not surprising that many flag States refuse to comply with either their obligations under the Convention or the measures developed by the International Maritime Organization.

The delegation of Sierra Leone therefore welcomes and joins the call of many States that flag States should have an effective maritime administration built on a firm legislative framework that is in compliance with accepted international regulations, procedures and practices. That appeal needs to be understood, however, within the context of the varying capacities of flag States. In that regard, the enhancement of the capacity of developing countries,

in particular, least developed countries and small island developing States, as well as coastal African States, is essential to enable them to meet their international obligations. Many developing countries experience untold damage to their territorial seas and waters by heavy tankers carrying high-grade oil, but do not have the monitoring capacity and capability to identify those tankers and take appropriate action. There is, therefore, a need for an effective regional and subregional regulatory mechanism to protect our territorial seas and waters, as well as a great need to provide officials from developing countries who are involved in marine activities with the requisite training to enhance their expertise.

Another problem that many developing countries have to grapple with is that of nautical charts. My country, Sierra Leone, still relies on the British Admiralty charts produced during colonial times. Those charts are no longer useful in the twenty-first century, given modern developments in marine and navigational matters. At present, Sierra Leone is not in a position to update those charts or even to think of converting to electronic nautical charts. In that regard, we would welcome any assistance from the developed world towards the elaboration of an efficient and effective marine administration.

A problem that has particularly captured the attention of the Government of Sierra Leone is the human rights of Sierra Leonean seafarers. On many occasions we have been made aware of gross violations of the human rights of our nationals. A substantial number of them work in ships that carry flags of convenience. Human Rights Watch has expressed its concern on that important issue, and there has even been a study by the International Labour Organization (ILO) on the topic. The ILO study found that respect for the rights of seafarers varies widely among ships registered in different countries and that non-resident seafarers are discriminated against. It seems neither the flag States nor the shipowners are able to protect their workers. In fact, on many occasions shipowners have been accused by their workers of involvement in the violation of their rights. My delegation is cognizant of the protection provided for in the Convention, but as that protection appears to be ineffective we suggest that the States of which those seafarers are nationals should be empowered to afford them protection.

There is one issue I want all of us to reflect on when talking about marine safety. That is the issue of transnational organized crime as it relates to small arms and light weapons. In our region, and in particular the subregion of West Africa, ships have been used to transport arms in gross violation of existing legal regimes, including United Nations arms embargoes. Needless to say, such arms transfers contribute to fuelling conflicts and facilitate gross human rights abuses and violations of international humanitarian law. We would therefore welcome effective international action to curb that illegal trade.

I would like to say a few words now on the protection of vulnerable marine ecosystems, a matter of importance to my delegation. Sierra Leone is a country that is rich in marine resources and, as I mentioned earlier, a substantial number of our nationals depend on marine resources for their sustenance. The delegation of Sierra Leone understands the problems associated with the protection of vulnerable marine ecosystems. In order to give practical expression to our concerns, we join the call on all States to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the related Montreal Declaration.

Let me turn to an area of particular concern to Sierra Leone: fisheries. Illegal, unreported and unregulated fishing continues to represent a serious threat to Sierra Leone's marine ecosystem. Our territorial waters and seas have been invaded by boats and ships engaged in illegal fishing. The problem continues unabated because we lack the capacity to monitor and patrol our waters. We would therefore welcome concerted international action to address and eliminate that illegal practice. We also call on all States to enhance their cooperation, globally and regionally, aimed at resolving this problem.

At this juncture, Mr. President, we wish to thank, through you, the Division for Ocean Affairs and the Law of the Sea — particularly under the leadership of Mrs. Annick de Marffy — for the wonderful work they do in coordinating and disseminating information in this area of our work. The dedication and commitment of the Division are commendable. The Sierra Leone delegation will surely miss Mrs. De Marffy.

In conclusion, my delegation welcomes the continued development of the jurisprudence of the International Tribunal for the Law of the Sea. We recognize the fundamental role that the Tribunal is playing in settling disputes regarding the interpretation

and implementation of the Convention. Sierra Leone will continue to support the Tribunal in all aspects of its work.

Mr. Hoffmann (South Africa): The South African delegation fully associates itself with the statement made earlier by the representative of Morocco, speaking on behalf of the Group of 77 and China.

The South African delegation has the honour to co-sponsor both draft resolution A/58/L.19, on oceans and the law of the sea, and draft resolution A/58/L.18, on sustainable fisheries and the United Nations Fish Stocks Agreement. We should like to thank Elana Geddis, of New Zealand, and Colin McIff, of the United States, for respectively coordinating the negotiations on the two resolutions, and we commend them for the skilful way in which they have conducted the consultations.

We also acknowledge the Division for Ocean Affairs and the Law of the Sea for its dedicated work and support throughout the year, and we express our best wishes to its Director, Mrs. Annick de Marffy, on her retirement next year; she will be greatly missed. We note with satisfaction that the United Nations Convention on the Law of the Sea has almost achieved the goal of universal participation, and we join others in welcoming the most recent ratifications of Canada and Lithuania, which will soon bring to 145 the total number of States Parties to the Convention.

The South African delegation welcomes the comprehensive reports of the Secretary-General on developments and issues relating to oceans and the law of the sea, contained in documents A/58/65 and Add.1 and A/58/423, as well as his report on the status of the implementation of the Fish Stocks Agreement, contained in document A/58/215. We also welcome the report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fourth meeting, contained in document A/58/95, and we commend its Co-Chairmen, Ambassador Felipe Paolillo and Mr. Philip Burgess, for their leadership. We further welcome the progress in the work of the three institutions established under the Convention: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

We note the progress that the International Seabed Authority has made with respect to developing a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, and that the Legal and Technical Commission will continue work on the draft regulations at its next session. At the same time, we welcome the steps the Authority has taken to develop a better understanding of the biodiversity of the seabed and deep ocean so as to be able to take effective measures aimed at protecting the marine environment against harmful effects from activities relating to prospecting and exploration of mineral resources in the Area. Also in that context, we welcome the topic for next year's meeting of the Informal Consultative Process, to be "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction".

We appreciate the important role of the Tribunal in the settlement of disputes concerning the law of the sea, and it is encouraging to learn that more States are electing to refer cases to the Tribunal. We note, however, the remark made recently by its President, Judge L. Dolliver Nelson, that the Tribunal has not been put to full use. We also congratulate Judge Anthony Amos Lucky, of Trinidad and Tobago, on his election to the Tribunal during a special meeting of States Parties on 2 September 2003, following the death of Judge Lennox Fitzroy Ballah earlier this year.

It is also encouraging to note that more States are getting ready to make submissions to the Commission on the Limits of the Continental Shelf regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. South Africa itself is in the process of carrying out the preparatory work needed to enable it to prepare a submission to the Commission.

It should be emphasized that assistance to members from developing countries that have been elected to the Commission on the Limits of the Continental Shelf, to the Legal and Technical Commission and to the Finance Committee of the Authority will be necessary to ensure that those bodies discharge their functions in a timely and efficient manner. We welcome the initiatives that have been taken in that regard.

Capacity-building and the transfer of technology to developing countries are fundamental in the achievement of full implementation of the Convention. The need to assist developing countries with adequate

resources to establish national and regional programmes and structures and to develop skills to ensure their effective implementation is crucial in maintaining and strengthening the regime of the oceans. We are particularly pleased with the capacity-building provisions in the oceans and fisheries draft resolutions before us, which we consider to be essential in addressing the many challenges and imbalances facing developing countries — including coastal African States — in order to benefit from sustainable development of the oceans and seas.

As a coastal State with significant fishing interests, South Africa attaches special importance to international cooperation on fisheries. As a sign of our commitment to that work, we ratified the Agreement on Straddling and Highly Migratory Fish Stocks on 14 August this year. We recognize the Agreement as an important mechanism for the protection of fish stocks for food security and economic development. That is also in line with the outcome of the World Summit on Sustainable Development, which identified oceans, islands and coastal areas as forming an integrated and essential component of the Earth's ecosystem and as being critical for global food security and economic development, especially in developing countries. South Africa will therefore play its part to contribute to the fulfilment of the Agreement's objectives.

During the World Summit on Sustainable Development, the international community also undertook other far-reaching agreements on sustainable fisheries and adopted targets, including one on the restoration of depleted fish stocks by no later than 2015. We consider those undertakings to be critical in view of the current state of the world's fisheries, which is characterized by, among other things, overcapacity and depletion of populations of some fish species. We urge the international community to take urgent and practical steps to meet the goals agreed to in Johannesburg last year.

The use of subsidies in some countries has contributed to overcapacity, overfishing and the depletion of fish stocks in many parts of the world. Subsidies have also contributed to the persistent incidence of illegal, unreported and unregulated fishing. Those issues are of great concern to South Africa as a developing coastal State. We are therefore committed to working with other countries — including through the World Trade Organization — to resolve the issue of fishing subsidies. Its resolution is also essential for the success of the development dimension of the multilateral trading system. We urge the States that use subsidies to take urgent steps to eliminate them, especially in view of the glaring evidence of their perverse nature. South Africa fully supports the International Plan of Action of the Food and Agriculture Organization of the United Nations to prevent, deter and eliminate illegal, unreported and unregulated fishing, and we welcome the ongoing work to promote port State control.

The world's oceans and the resources they contain are part of the system of global commons from which all countries should benefit. Fisheries resources should be seen as important for poverty eradication and the achievement of the Millennium Development Goals. In that regard, South Africa calls for fairness and equity in the allocation of the share of fisheries resources for straddling and highly migratory fish stocks. Failure to address that matter denies developing countries important resources for development.

Since the inception of the Open-ended Informal Consultative Process, South Africa has been supporting its work to improve international coordination and cooperation in order to facilitate the annual review by the General Assembly of developments concerning oceans and the law of the sea. We fully endorse this year's report, and we are pleased that important aspects of it are now reflected as action-oriented elements of the oceans draft resolution before us today.

We noted with interest the discussions regarding a new mechanism for inter-agency cooperation on oceans and the law of the sea within the United Nations system. With so many United Nations agencies and intergovernmental organizations addressing oceans issues, we share the view that a new mechanism should provide an opportunity for constructive dialogue rather than a forum for protecting mandates.

Finally, South Africa supports the request that the Secretary-General take steps to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, by 2004. We pledge our full support for that important initiative, and we wish to thank the Government of Iceland for offering to host the intergovernmental meeting later next year.

Mr. Percaya (Indonesia): At the outset, let me express my appreciation to the Secretary-General for his comprehensive report on matters relating to

resources to establish national and regional programmes and structures and to develop skills to ensure their effective implementation is crucial in maintaining and strengthening the regime of the oceans. We are particularly pleased with the capacity-building provisions in the oceans and fisheries draft resolutions before us, which we consider to be essential in addressing the many challenges and imbalances facing developing countries — including coastal African States — in order to benefit from sustainable development of the oceans and seas.

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Mr. Percaya (Indonesia): At the outset, let me express my appreciation to the Secretary-General for his comprehensive report on matters relating to

processes dealing with issues related to oceans and the law of the sea.

Finally, fully aware of the importance of continued efforts on the subject of oceans and the law of the sea, my delegation has the distinct pleasure of being a sponsor of the draft resolution before us, contained in document A/56/L.19. We hope that all Member States will lend their support to the draft resolution.

Mr. Leslie (Belize): Belize fully subscribes to the joint statement made earlier by the representative of Jamaica, speaking on behalf of the Caribbean Community. We also associate ourselves with the statements delivered by Mauritius on behalf of the Alliance of Small Island States and by Morocco on behalf of the Group of 77 and China.

Recognizing that the "problems of ocean space are closely interrelated and need to be considered as a whole", the United Nations Convention on the Law of the Sea (UNCLOS) advocates an integrated management approach to ocean space and to this end provides a comprehensive framework — legal and institutional — covering all marine resources and uses of the seas.

As the state of the world's oceans and seas seems to evidence, however, our actions or inaction have belied the existence of the legal regime of the oceans that has evolved with UNCLOS. While the reasons for the lack of implementation and enforcement are varied, my delegation is of the view that the gap between policy-making and action is a contributing factor. In some cases, this is further compounded by the lack of capacity to participate in the policy-making process or take necessary actions.

My delegation takes this opportunity to briefly highlight three issues that Belize considers critical to narrowing the gap, namely: the establishment of an inter-agency coordination mechanism, development of a regular process for global reporting and assessment of the state of the marine environment (GMA), and capacity-building.

The World Summit on Sustainable Development (WSSD) emphasized that effective coordination and cooperation between relevant bodies and actions at all levels are fundamental elements of the sustainable development formula for the oceans. These elements underpin the integrated approach to the management of the oceans envisioned in UNCLOS. The WSSD and the General Assembly have recognized the need to institutionalize the coordination of activities of relevant international organizations, as well as the need to develop new mechanisms to ensure more integrated and comprehensive coordination.

Belize therefore endorses the General Assembly's request for the establishment of an effective, transparent, accountable and regular inter-agency coordinating mechanism for issues relating to oceans and seas within the United Nations system. In this regard, we note the decision of the High Level Committee on Programmes of the United Nations System Chief Executives Board for Coordination to create an open-ended network for the purpose of reviewing joint and overlapping ongoing activities, supporting related deliberations of the international consultative process, and pursing important time-bound initiatives. We look forward to learning of the network's terms of reference and its work programme, as soon as they are completed.

Like the institutionalization of an inter-agency coordinating mechanism, my delegation views the development of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, as a useful mechanism for achieving more integrated and comprehensive coordination. Governing Council decision 21/13 of the United Nations Environment Programme recognized

> "'ineffective communication between scientists and government policy makers and the public alike' as one of the reasons for the lack of commitment and the inability of the international community to address and solve the environmental problems of the seas in a comprehensive way."

We welcome the Secretary-General's report contained in document A/58/423 and the approach set forth in the omnibus resolution for the preparation of the global marine assessment (GMA). Important issues with respect to the assessment's structure, model and institutional arrangements are yet to be resolved. In this context, my delegation welcomes the Secretary-General's evaluation of those issues, which should serve as a guide in the development of the GMA. We also underscore the importance of capacity-building as an essential aspect of the assessment.

While we are convinced that those new coordinating mechanisms will contribute to narrowing the gap between policy-making and action, Belize is concerned that the impact at the national level will be limited as a result of limited capacity. The strengthening of the institutional order of the oceans and seas should redound to the strengthening of the national capacity for implementation and enforcement of UNCLOS, its implementing agreements and other relevant instruments. Capacity-building is a theme that should be central to our deliberations on the oceans and law of the sea.

The coastal zone of Belize is a complex system consisting of barrier reefs, three offshore atolls, hundreds of patch reefs, extensive seagrass beds, mangrove forests and over a thousand islands or "keys". This area is home to several endangered species, such as the West Indian manatee, the American crocodile, marine turtles and several birds. It is a very dynamic region, where land and sea meet, resulting in highly productive natural processes. Most of the development pressures are occurring along the coasts and seas, which has resulted in degraded coastal resources and lost critical habitat.

Belize needs to protect its tremendous marine biodiversity but at the same time allow for use of those resources. Two of our major industries, tourism and fishing, are directly dependent on the health of this coastal system. Belize implements an integrated, holistic approach to the management of our coastal resources through our Coastal Zone Management Authority and Institute. Belize boasts 13 marine protected areas (MPAs), of which eight are marine reserves, two are natural monuments, one is a national park and two are wildlife sanctuaries. Most of those areas have been actively managed over the past three to five years. The management of the marine protected areas is subject to review for effectiveness and improvement. Recently the Coastal Zone Management Authority and Institute, along with the World Wildlife Fund and the National Oceanic and Atmospheric Administration, hosted a two-day workshop on the evaluation of MPA management effectiveness. This is why I say that Belize is committed to the sustainable development of its marine environment and of the oceans and the seas as a whole. This commitment emanates, not only from Belize's maritime assets and the economic dependency of many of its peoples thereupon, but also from its vital interest in the proper development and administration of marine areas.

Belize actively promotes the implementation of the Convention, including through regional initiatives for the Caribbean community such as the recent Conference on Maritime Delimitation in the Caribbean. Our municipal legislation continues to be developed, its repertoire having recently expanded with the adoption of the High Seas Fishing Act. Strengthening maritime administration is also of utmost importance. We hope that our commitment and proactive efforts will be matched by the international community's continued guidance, cooperation and support.

Mr. Bocalandro (Argentina) (*spoke in Spanish*): My delegation wishes to associate itself with the statement made this morning by the delegate of Peru on behalf of the Rio Group. In that statement, reference was made to most aspects of this topic, and my statement will therefore be limited to two essential comments.

For many years, the major international organizations with competence in various aspects of maritime affairs, such as fishing, oceanography, safety of navigation and marine pollution, pursued their tasks independently. There were mechanisms for inter-Secretariat coordination that played an important role, but there was no coordinating forum for all of that international work, which was being pursued in an independent and compartmentalized fashion. When the Convention on the Law of the Sea was adopted, rules that had heretofore regulated the oceans were unified into a single code. This substantial unifying process in the normative area brought to light the problem of coordination in other oceanic subject areas and activities.

In recent decades our conceptualization of sustainable development led the United Nations to become involved with a new vision in maritime and ocean activities. The trend took on a new form during the past five years, ever since General Assembly resolution 54/33 created the Open-ended Informal Consultative Process on ocean affairs. That mechanism, although informal, constituted a real turning point in United Nations activities regarding ocean affairs. Its creation highlighted the role that the General Assembly would take on henceforth.

Although it was originally conceived as a simple, informal mechanism to help systematize discussion on

the reports of the Secretary-General, the Consultative Process quickly became an international forum of singular potential. Owing particularly to its informal nature — something rather rare in intergovernmental relations — the mechanism enjoys an unusual degree of freedom to broadly consider what is done at other international levels, bring together opinions of all actors — governmental or private — and put forward a wide range of recommendations on all aspects of ocean affairs.

Those recommendations, although they emanate from an informal, unofficial forum, are ultimately adopted by resolutions of the General Assembly, which proves that they are both important and carefully crafted. The impact of the Open-ended Informal Consultative Process means that the annual resolutions on ocean affairs and fisheries now constitute a regulatory programme that is detailed and extensive and which has important repercussions for all agencies of the United Nations system and beyond.

The Open-ended Informal Consultative Process on Oceans and the Law of the Sea has already held four sessions and is preparing to hold a fifth, which this year will take place in parallel with consideration of the global marine assessment project. We want to pay tribute, in particular, to the excellent work done by the co-Chairmen, Messrs. Felipe Paolillo and Phil Burgess. In recognizing and welcoming the exceptional progress that the international community has achieved by means of that innovative mechanism, we note that the Informal Consultative Process has always acted within the existing legal framework and that has been key to its success.

The United Nations Convention on the Law of the Sea, universally recognized as the source of the legal norms that regulate all maritime activities, is, itself, a supreme law. The Convention was the result of a package-deal, the delicate negotiation of which took a decade. The various forums for ocean affairs should therefore take care in implementing it to preserve its integrity and avoid reconsideration of its various parts.

Any analysis of the implementation of the Convention falls exclusively to its parties, which have an appropriate organ dedicated to that purpose — the Assembly of States Parties. If the States parties should ever consider it necessary to engage in some kind of review of the Convention's implementation, the Assembly of States Parties would be the optimal and natural forum in which to do so. The United Nations General Assembly should keep that in mind.

The draft resolutions on oceans, law of the sea and fisheries request the Secretariat to undertake the task of studying and preparing various reports concerning important aspects of ocean affairs. We note that those types of requests are becoming increasingly frequent, more important and more numerous.

In the preparation of such reports, we sometimes find it necessary to analyse a State's conduct. In those cases, we consider the appropriate thing to do is to consult the State in question. The report should reflect the result of those consultations.

If the analysis takes into consideration a State's internal legislation, it should be noted that the only interpreter of that legislation is the State that enacted it. We should not express a value judgement without, first, consulting that State. If, on the other hand, the analysis were to refer to the application of international treaties, in keeping with the rules of international law, the interpreters would be the States Parties. The consideration of the Secretariat in those cases should be in keeping with that premise.

Finally, we wish to pay tribute to the work done by the Division for Ocean Affairs and Law of the Sea. That office is charged with a large number of tasks of great importance, which it carries out in an exemplary fashion, despite a lack of both budgetary and human resources. Nevertheless, its work obtains results of the highest calibre, which reflects the hard work and great capability of its staff. The support given by the Division to Member States has always been irreproachable. In its Director, Mrs. Annick De Marffy, we have found a friend always ready to guide us with loyalty, frankness and wisdom. We give her our warm wishes for success, and sincerely thank her for her unwavering support.

Finally, we wish to express our appreciation to Elana Geddis of New Zealand and Colin McIff of the United States for guiding us so ably through the negotiations on the draft resolutions that we will be adopting soon.

Mr. Lobach (Russian Federation) (*spoke in Russian*): Given their ever-growing importance to the international community, the Russian Federation has traditionally given priority attention to consideration of maritime issues in the General Assembly.

I would like to express our appreciation to the Secretary-General for preparing comprehensive reports on this issue that are before us at the present session of the General Assembly.

The Russian Federation is a steadfast advocate of the universal consolidation of international legal bases for all of the multifaceted activities carried out in the world's oceans, and views the 1982 United Nations Convention on the Law of the Sea as the fundamental treaty in that area. That unique international legal instrument has already made an invaluable contribution to strengthening the enforcement of laws and expanding international cooperation in maritime affairs. We are confident that those countries that have not yet done so will accede to the Convention in the near future with the aim of ensuring its universality, and thus enable it to attain its full potential.

Ever increasing importance in regulating inter-State relations is given to international judicial institutions. In that regard, I would like to note the useful work of the International Tribunal for the Law of the Sea, which has been actively involved in resolving inter-State disputes and thus contributing to the affirmation of the rule of law in maritime affairs.

A promising area of international cooperation is the work begun in the Commission on the Limits of the Continental Shelf. Russia was the first to submit its claim to that Commission defining the outer limits of its continental shelf beyond the 200-mile nautical limit. Currently, our joint work with the Commission is ongoing and Russia hopes that it will be promptly concluded.

Problems caused by pollution of the marine environment, despite all the efforts already made, are unfortunately still far from being resolved. Russia has consistently advocated increasing coordinated measures in this area. At the same time, those measures should not go beyond the framework of the requirements set out in the Convention, or infringe upon the principle of the freedom of navigation on the high seas. It is on exactly that basis, in our view, that further discussion needs to be held to designate individual marine areas as areas of particular vulnerability, a discussion that has been initiated and is currently under way in the International Maritime Organization.

A substantive contribution to developing and expanding international cooperation in maritime affairs is made by the Informal Consultative Process on ocean affairs and the law of the sea. Time has demonstrated that this forum has been able to find its place among the variety of multilateral institutions overseeing issues of cooperation in maritime affairs. As an open-ended brainstorming forum, the Informal Consultative Process helps to get more promptly to the heart of existing problems and find the best ways to resolve them. It is capable of proposing promising areas for developing international cooperation in maritime affairs.

It is my pleasure to note that the activities of the Informal Consultative Process are not leading to undesired competition between the various international maritime bodies, the overlapping of their work or encroachment upon one another's area of expertise. One important and promising area for multilateral efforts in 2004, as we see it, should be the establishment of a regular process on global maritime assessment. In that regard, we believe that the Secretary-General's report on this issue deserves positive assessment. It not only enables us once more to ascertain the seriousness of those challenges facing humankind in this area but also contains specific proposals to organize the launching of this global process aimed at seeking holistic solutions to existing problems. I reaffirm that the Russian Federation intends to be most actively involved in this effort.

We believe that combining at the session of the General Assembly the issues of fisheries, maintaining fish stocks and enhancing commensurate monitoring measures under the single theme of sustainable fisheries will serve to demonstrate the considerable progress that has been made in recent years in developing international cooperation in the area of fisheries. A central role is played by the work pursued by the States parties to the 1995 Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. There have also been important contributions from the Food and Agriculture Organization, regional agreements in the area of fisheries and other universal and regional structures. Joint comprehensive efforts undertaken give us hope that ultimately we will be able to end the negative trend of the depletion of the oceans' fish stocks.

In conclusion, let me express support for the adoption of the draft resolutions on maritime and fisheries issues at the fifty-eighth session of the

General Assembly. Preparation on them has involved the active participation of the Russian delegation.

Mr. Nguyen Duy Chien (Viet Nam): At the outset, our delegation would like to thank the Secretary-General for his relevant, informative reports under agenda item 52 (a) and (b), which provide us an overview of the developments in the implementation of the 1982 United Nations Convention on the Law of the Sea, as well as other issues relating to ocean affairs and the law of the sea since the fifty-seventh session of the General Assembly.

Over the last period, a number of important activities relating to oceans and law of the sea issues have taken place both within and outside the United Nations forum. Three important institutions established under the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have continued their activities in a successful manner. Although their general mandates as clearly stipulated in the relevant provisions of the Convention remain unchanged, for the time being the tasks that the three bodies are undertaking to perform are of a more specific nature. We therefore appreciate the efforts undertaken by the three bodies and commend the achievements they have recorded at recent meetings. The fourth meeting of the Open-ended Informal Consultative Process on oceans and the law of the sea has proved to be a fruitful one. We support the meeting's recommendations relating to the protection of vulnerable marine ecosystems and the safety of navigation. Other competent international organizations have also taken necessary steps in consolidating relevant rules and regulations to address existing problems.

As shown in the relevant paragraphs of the reports, there still exist in the field of ocean activities certain specific issues that need continued and concerted actions of the international community at the global, regional and national levels. However, not all States are in the same position to adequately address those problems and issues. Therefore, greater assistance should be given to developing countries to ensure that they can gain access to information and technology and are able to share experiences in the use and exploitation of oceans and seas.

As a party to the Law of the Sea Convention and other international entities relating to the ocean and sea matters, Viet Nam took part in the work of the thirteenth Meeting of States Parties to the Convention, the ninth session of the International Seabed Authority, as well as the fourth meeting of the Informal Consultative Process. Viet Nam also actively participated in other activities, such as the Diplomatic Conference on Maritime Safety, in December 2002, the Statement of the Association of Southeast Asian Nations Regional Forum on Cooperation against Piracy and Other Threats to Maritime Security, in June 2003, and the ongoing negotiation of an operational cooperation agreement on anti-piracy in Asia, as well as other meetings in the framework of the Association of Southeast Asian Nations (ASEAN).

In our region, the signing of the Declaration on the Conduct of Parties in the South China Sea — the Eastern Sea — marked an important step towards building a code of conduct in the South China Sea and a valuable contribution to peace and stability in the region. The joint communiqué of the thirty-sixth ASEAN Ministerial Meeting, in June 2003, stressed the need for observance of the provisions of the Declaration and urged concerned parties to undertake the confidence-building measures contained in the Declaration. In that spirit, the ASEAN members encourage the continuation of the informal workshops on managing potential conflict in the South China Sea.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): Uruguay associates itself the statements made by the representatives of Peru and Morocco, on behalf the Rio Group and the Group of 77 and China, respectively, of which groups Uruguay is a member.

In the report of the Secretary-General on a regular process for the global reporting and assessment of the state of the marine environment, contained in document A/58/423, we can observe that the state of the oceans and seas of the world continues to deteriorate. It is discouraging to learn every year when the Assembly begins its debate on oceans and the law of the sea that the health of the oceans, which for so long has shown so many disturbing symptoms, continues to worsen. This is happening despite the persistent calls for alert issued by the competent international organizations in this field and the authorities of the scientific world.

Indeed, it is not for lack of warnings that this trend has continued. For years, the international community has been informed, especially thanks to the reports presented by the Division for Ocean Affairs and

the Law of the Sea, about the grave dangers that threaten our oceans and seas and the dire consequences that may have an impact upon what constitutes a gigantic source of food, mineral resources and energy.

Neither is there any lack of regulation leading to this situation. Numerous international instruments are in force, both binding and non-binding, containing the rules which prescribe the conduct that needs to be observed in order to protect the marine environment and ensure conservation of its resources. Although it is true that in some areas of the law of the sea there is still a need for further legislative development, it is nonetheless true that what is most needed is for States to effectively comply with the obligations they have formally accepted.

It is therefore very important, we feel, to pursue the effort under way to establish a process for the periodic submission of reports and assessments on the state of the global marine environment, including socio-economic aspects. We believe that establishing this system will require time, but we are convinced of its importance because, among other things, it may have an impact on the attitude currently adopted by many States regarding this problem, leading them from ignorance or indifference to an aggressive defence of the marine environment.

We hope that the Secretary-General will adopt as soon as possible the measures that are recommended in paragraph 64 of the draft resolution that we are going to vote upon, so that the periodic submission of reports and assessments on the state of the global environment can become operational in the near future. The process should be organized on the basis of the principles suggested in the report. In particular, it should be organized in order to ensure that it is periodic, focused exclusively on the marine environment and broad in its scope. In other words, it should be comprehensive or inclusive in the sense that it should encompass all aspects and problems pertaining to the marine environment. But it should not necessarily be exhaustive, as repeatedly stated in the report, as a result of a mistranslation of the word "comprehensive" into the Spanish version of the report. Above all, the information that is produced by this planned system should furnish elements that can later be incorporated into national policies on marine environmental protection.

The picture with regard to the conservation of living marine resources is not much better than that concerning the marine environment in general. Recent reports and studies only confirm that a trend persists towards depletion of marine fauna and the exhaustion of certain species, including some species of fish that are the most abundant and of greatest economic importance.

The report of the Secretary-General characterizes as deplorable the state of conservation and regulation of many fisheries. We are informed that a factor that influences the maintenance of this situation is the expansion of illegal, unreported and unregulated fisheries. In many cases, that growth occurs because countries, in particular small developing countries, that are responsible for controlling fisheries activities and curbing related illegal, unreported and unregulated activities lack the necessary resources and capacity to do so.

In Uruguay, we are making the greatest possible effort to combat these practices within the framework of our limited human, technical and financial resources. Recently, important control measures have been adopted by the competent maritime authority, such as the conduct of inspections that are more thorough and frequent than the routine inspections that are carried out on suspicious ships. Other measures include improvement in software and data processing by shore-based control centres, the revocation of flags from ships engaged in unlawful fishing, and suspension of the licenses of Uruguayan officers manning ships that are flying other countries' flags and that are caught fishing illegally.

To the critical conditions affecting the marine environment and its resources we must add those of marine safety. Crimes at sea continue to occur and there is a constant increase in incidents of piracy and armed robbery against ships.

In light of these grave problems, it is clear that the question of oceans and law of the sea should remain a priority item on the international agenda. At a time when a commendable effort is being made to restore to the General Assembly its proper authority as the most representative organ of the international community and at a time when there is talk of substantially reducing its agenda as one way of achieving that revitalization, we believe that the agenda item on oceans and law of the sea is surely not one of

those that should be eliminated from this agenda or which should be subjected to periodic review.

But also, within the context of efforts to revitalize the Assembly — efforts which, in fact, pursue the goal of restoring to this organ the authority which it had but which it has lost in recent years — we should try to curb, in the draft resolution we are about to adopt, the tendency that can be seen in the majority of resolutions. That tendency is to increase the length of the text by repeating every year what was said the previous year, and incorporating every year more topics, more references and more details. If the trend continues, the annual resolutions on oceans and law of the sea will, within a few years, become longer than the Convention itself. Future resolutions should focus on important substantive items, trimming away everything that is redundant and superfluous and eliminating expressions of thanks and recognition and unnecessary references. That would be the best way to promote a broader dissemination of the resolutions and increase their impact.

Finally, I wish to refer to a mechanism that, in our judgement, does contribute greatly to awareness and understanding of the problems concerning the oceans, that is, the Open-ended Informal Consultation Process on Oceans and Law of the Sea. Our delegation participated actively at the last meeting of this Process and we appreciated the high level at which the debate was held. We believe all delegations were enriched by it. Continuing this Process next year on the topic that is proposed in paragraph 68 of the draft resolution that we are considering will undoubtedly constitute another valuable contribution that will help the international community appropriately face the great problems affecting oceans and their resources.

Mr. Laurin (Canada) (*spoke in French*): It is with great pleasure that Canada participates today in the debate on oceans and the law of the sea. Indeed, it is the first debate in which Canada takes part as a State that has ratified the United Nations Convention on the Law of the Sea. The Convention will enter into force for Canada almost 20 years to the day after the final session of the Conference, at which the Honourable Allan McEachen and Alan Beesley signed the Convention on behalf of Canada. In his statement on that occasion, Mr. MacEachen declared that the Convention is one of the greatest accomplishments of the United Nations and is worthy of the support of every nation.

I should like to take this opportunity to thank Mrs. Annick de Marffy for all of her efforts as Director of the Division for Ocean Affairs and the Law of the Sea. She will be missed by all of us who had the pleasure of working with her during the past 10 years. I should also like to thank her staff, who helped to facilitate the consultations on the draft resolutions under consideration, as well as the two coordinators who presided over the informal consultations this year: Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States.

Canada has always believed in the law of the sea. By ratifying the Convention, we affirmed our belief in the application of the rule of law to the world's oceans. The Convention has proved to be a flexible instrument particularly capable of meeting the challenges that have arisen since its adoption. However, nothing can stop time or technology, and that is why the Convention provided for the opening of an amendment process 10 years after the Convention's entry into force.

Thus, the Convention is a living document with which we can face problems of the twenty-first century. Certain of those problems, like overfishing and the use of flags of convenience to avoid conservation and management measures, are all too familiar to us but remain unresolved. Others, such as bio-prospecting, are new. In that respect, we welcome the discussions that will take place during the Open-ended Informal Consultative Process on Oceans and the Law of the Sea on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

(*spoke in English*)

Another issue that is dealt with in the draft resolution before us today (A/58/L.19) relates to the coordination and cooperation necessary to achieve effective oceans governance. Our governance of the oceans has evolved piecemeal along with the technologies that allowed us to exploit the oceans' resources. Although we are far from having a complete picture of the oceans, the vast range and integrated nature of oceans activities have made it painfully clear that no single activity can be managed in isolation, nor can any single organization operate in isolation.

How to apply a holistic or integrated ecosystem-based approach is part of the challenge before us, but

we are making progress, both domestically and internationally. The World Summit on Sustainable Development highlighted the importance of managing oceans — particularly those areas subject to accelerated change and development — in a regional context. Arctic Council ministers have taken a major step forward in that vein by initiating a strategic plan for protection of the Arctic marine environment that will be founded on an ecosystem-based approach. We must continue to work towards better management of the oceans. In that respect, we applaud the efforts reflected in the draft resolution to enhance coordination and cooperation in oceans management.

With its ratification of the United Nations Convention on the Law of the Sea, Canada looks forward to revitalizing its involvement in oceans issues. We value our new membership in the institutions established by the Convention, and we intend to participate fully in them. We appreciate the welcome we have received from the Secretary-General and from States already party to the Convention, and we look forward to working with this family of nations on all issues relating to the law of the sea.

Ms. Wadibia-Anyanwu (Nigeria): The Nigerian delegation commends the Secretary-General for his comprehensive report under the item of oceans and the law of the sea (A/58/65), now under consideration. We welcome the efforts made thus far towards the establishment of a global marine assessment, which is to be a regular, global and comprehensive assessment of the marine environment.

Given the need to address the challenges posed to successful management of the marine environment and the question of the deteriorating state of the world's oceans and seas, Nigeria is greatly encouraged by the desire of the international community to have an established marine assessment process that is truly global. We hope that the establishment of a new global marine assessment process will provide coherent, viable options and measures to address the socio-economic consequences of the degradation of the marine environment.

As a developing coastal State, Nigeria continues to grapple with the enormous responsibility of improving the living standards of its coastal populations by seeking ways to ameliorate the economic and social setbacks occasioned by adverse environmental impacts. Considering the transboundary nature of negative environmental impacts and the ensuing economic and social problems associated with marine degradation, Nigeria strongly supports an assessment that will fundamentally address the socio-economic causes and consequences of the dreadful conditions of the marine environment.

Nigeria commends the Secretary-General for his report (A/58/215) on the status and implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention for the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Nigeria attaches great importance to the United Nations Convention on the Law of the Sea, which establishes a legal order for the oceans and seas, the thrust of which is to promote the peaceful uses of oceans and seas; the equitable and efficient utilization of their resources; the conservation of their living resources; and the study, protection and preservation of the marine environment.

Nigeria appreciates the management and conservation of fish stocks. Commercial fishing constitutes an important factor in ensuring the food security programme, a cardinal policy of our Government. Therefore, the conservation and rational use of living resources of the sea, as well as the sustainable development of resources, are vital to the programme's success. In that regard, Nigeria notes with interest in the Secretary-General's report that the Fish Stocks Agreement has made an important impact on the conservation and management of international fisheries and has become the benchmark for best international practice in many States. We believe that the Agreement represents a courageous attempt by the international community to protect commercially important species that have been subjected to illegal, unregulated and unreported fishing.

However, the Nigerian delegation is concerned that, despite that good progress, developing coastal States are not yet able to make full use of their sovereign rights in order to realize the opportunities provided by the Agreement and to contribute to its full implementation. The main constraint has been the issue of lack of capacity. It is noteworthy that the report under consideration indicates that that major setback could be addressed through priorities for a Part VII trust fund in the Agreement and through greater recovery of conservation and management costs through the terms for access agreements. There is an

urgent need, therefore, to take the necessary measures to actualize these safety valves for the benefit of developing coastal States.

We would like to underscore the fact that developing countries are disadvantaged in terms of the acquisition of technology and expertise relating to many aspects of activities in the oceans and seas, particularly in the seabed. In such areas as exploration and exploitation of seabed minerals, conservation and protection of living resources, coastal management, marine scientific research and problems of pollution and toxic and chemical waste dumping, developing countries lack the relevant expertise and tools. Developing countries would also require timely assistance in the area of appropriate and comprehensive legal regimes to govern the effective management of the ecosystem.

There is no doubt that developing countries need help through cooperation, partnership and technical assistance in line with article 140 of the United Nations Convention on the Law of the Sea, which states that activities in the area are to be carried out for the benefit of mankind as a whole, taking into consideration the interests and needs of developing countries. This is further buttressed in article 202 of the Convention, which obliges States to give technical assistance, either directly or indirectly, to developing countries to enable them to protect their marine environment.

In conclusion, Nigeria calls for a concerted effort to extend meaningful assistance to developing countries in capacity-building to conserve and manage stocks and facilitate their participation in and strengthening of existing regional fisheries management organizations. Similar assistance will be needed in the area of costs associated with the settlement of disputes.

Ms. Uluiviti (Fiji): I have the honour to deliver this statement on behalf of my permanent representative, His Excellency Mr. Isikia Savua.

I first wish to associate my delegation with the statements that were delivered earlier by Ambassador MacKay on behalf of the Pacific Islands Forum group and by Morocco on behalf of the Group of 77 and China. In addition, I wish to make the following remarks.

We welcome the ratification of the United Nations Convention on the Law of the Sea by Canada and invite other Member States to follow suit and thereby contribute to the growing universal character that the Convention deserves, a character that would ensure holistic and sustainable global governance of oceans and seas. Such governance is even more imperative today as we face continuing, as well as new and emerging challenges associated with uses of the ocean. The Secretary-General's role in promoting universal participation in the Convention is noted and needs to be further supported. Perhaps a General Assembly treaty event at the tenth anniversary of the Convention's entry into force would be a fitting occasion to consider.

In light of the myriad challenges, mostly unanticipated twenty years ago upon the Convention's adoption, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has become a critical process. It is assisting this Assembly to tease out select topical substantive issues of concern that need sharper focus and direction, as well action at the global, regional and national levels.

The Informal Consultative Process has also afforded Member States an annual informal occasion for sharing amongst Governments, experts, institutions, agencies, regional organizations and non-governmental organizations (NGOs). UNICPOLOS has given positive force to integrated and coordinated management in the governance of oceans. The cross-hybridization that this process has produced is evident in draft resolutions A/58/L.18 and A/58/L.19. In particular, we note the preparations for getting the interagency international coordination mechanism by the Secretary-General underway, in consultation with relevant bodies associated with the Convention as was requested by the General Assembly. This mechanism is very much informed by the successes of the Informal Consultative Process model.

The success of the Informal Consultative Process is due not only to participating Governments and delegations, but also certainly and in great measure to the technical capabilities of the Division for Ocean Affairs and the Law of the Sea, which liaises productively with treaty institutions and relevant agencies to produce the Secretary-General's report. That very comprehensive report often encapsulates the very latest developments and is on the cutting edge in the field of oceans, well ahead of the General Assembly. We wish, therefore, to thank Annick de Marffy for her expert leadership of the Division, a very

able team, and for her dedicated services, and we wish her well on her impending departure.

One of the recommendations of the fourth meeting of the Informal Consultative Process, which is reflected in the omnibus oceans draft resolution A/58/L.19, is the need for capacity-building, especially with respect to developing countries, in the production of nautical charts to improve safety of navigation. We have full confidence in the International Hydrographic Organization, working through its regional offices and in collaboration with other relevant international organizations to assisting States in this onerous task.

The growing value of the Informal Consultative Process can be appreciated, given the complexities of the oceans and seas, of which the representative of Canada spoke only a moment ago. Much of the oceans remains unknown and unexplored. We therefore welcome the agreed topic for the fifth UNICPOLOS meeting next year: sustainable new uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

Many developing countries lack the requisite capacities, knowledge and resources to explore the many complex facets of the ocean and yet have the obligation of providing reports and assessments on a regular basis. There is still a need for both information sharing and international assistance for capacity-building, which has been much promised but from which we have yet to fully benefit. Clearly, until this sharing and assistance can be fully implemented and realized, there needs to be some global oceans exploration within the parameters of the Law of the Sea Convention. This is worth considering in the near future, as various assessment models are on the horizon for this Organization. We would be pleased to ensure that those models remain within the ambit of the United Nations. Such a venture would maintain transparency and would be globally coordinated under the aegis of the United Nations. It would promise improved information sharing, and there would be equitable sharing of burdens and benefits. It would also enable Member States to continue to strengthen the legal framework for oceans governance.

In the same vein, we thank you for your guidance in this debate, Mr. President, and, in that connection, we fully endorse the recommendations by the Secretary-General on the evaluation of the Division, subsequently approved by the Committee for Programme and Coordination.

Quite apart from the enormous challenges we all speak of today, the issue of fisheries has its own set of problems and difficulties. While our region has always prided itself on its progressive regimes for fisheries management and economic development in that field, we are also committed to finding solutions to the global problems of over-fishing and overcapacity, which are caused predominantly by illegal, unreported and unregulated (IUU) fishing. Remedying those problems would avoid the transfer of overcapacity to other regions and would ultimately ease the situation of the world's fisheries, unless we adhere to the promises contained in draft resolution A/58/L.18. Strengthening international coordination and cooperation, including with regional fisheries management organizations, is vital to improving the world's fisheries.

While by-catch — incidental catch and discards — is not a problem of major proportions in our region as yet — and until there is efficient assistance and resources for our region to set up such a programme — it should be noted that non-target fish species have generally held a sacred place in the social fabric and traditions of Fiji. However, despite the current lack of a regional programme on by-catch and incidental catch, Fiji, like other Pacific Islands Forum members, has always had a strong national policy and legislation for the conservation and management of turtles sharks and other non-target species.

We hope that, through the draft resolutions that we present for your consideration today, we can continue at the international level to sustainably manage and conserve those non-target fish species that are endangered in all fishery methods and practices, while at the same time closely adhering to obligations for the conservation, management and sustainable use all other fish stocks, including straddling fish stocks and highly migratory fish stocks.

For those reasons, Fiji has joined in sponsoring draft resolutions A/58/L.18 and L.19. Both texts very ably coordinated by Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States, who we thank very much, and we commend the draft resolutions to all delegations for adoption.

The President: In accordance with General Assembly resolution 54/195 of 17 December 1999, I

now call on the Observer for the International Union for the Conservation of Nature and Natural Resources.

Ms. Kimball (International Union for the Conservation of Nature and Natural Resources (IUCN)): Sustainable ocean development is a major concern of IUCN. We welcome the many initiatives in the resolutions before the General Assembly that aim to promote that goal, as well as the continuing excellence of the Secretary-General's comprehensive oceans report.

We, too, will greatly miss Mrs. Annick de Marffy's leadership and wish her well.

IUCN has long recognized the 1982 United Nations Convention on the Law of the Sea as the basic framework for pursuing the goal of sustainable ocean development. At the same time, it is a constitutional document that provides for — indeed calls for — further developments consistent with its framework.

Many recent developments advance an ecosystem approach to ocean and fisheries management based on sound science and the precautionary approach. Yet growing threats to fish stocks, marine species and the productivity and functioning of ocean ecosystems are a cause for grave concern. Impacts on coastal areas are already profound, while technological advances continue to expand human uses of the high seas. A number of recent international oceans discussions point to the need for a quantum leap in our approach to sustainable ocean development — including IUCN's fifth World Parks Congress, held in September, which highlighted that less than 1 per cent of the world's oceans, seas and coasts have protected status.

We need to improve scientific knowledge and socio-economic evaluation as a basis for management and policy decisions and we need to build capacity so that all nations and peoples benefit from common ocean resources. The consequences for ocean governance, for further development of the oceans' constitution, are not necessarily profound, but they will require both commitment and effort. It is essential to scale up integrated approaches, not only at the national level, but also at regional levels. We should not hesitate to adapt proven tools to emerging challenges so that new ocean uses are sustainable, notably in deep sea areas and in areas beyond national jurisdiction. That will take some creativity, but most of the building blocks already exist.

The draft resolutions before the Assembly support major coordinated capacity-building efforts and cooperation among separate regional structures for integrated ocean management. We hope that the proposed global marine assessment will provide guidance for the application of precautionary and ecosystem approaches, that it will strengthen national and regional capacity and serve priorities at those levels, and that it will foster broad participation and partnerships. We also hope that a revitalized, United Nations inter-agency oceans coordination mechanism can make a special effort to promote cooperation among separate specialized regional structures, as well as global entities.

At the IUCN World Parks Congress, marine-theme participants stressed that marine protected areas networks are powerful tools for implementing the ecosystem approach and global and regional governance arrangements. They recommended that the international community include the high seas in its development of a global system of marine protected areas networks, consistent with international law, and cooperate in developing a global framework to facilitate the creation of such a system. In a joint initiative with the World Wildlife Fund, IUCN is finalizing a 10-year high seas marine protected areas strategy as a framework for promoting those developments. In addition, marine-theme participants at the Congress called for immediate and urgent action to protect the productivity and biodiversity of seamounts, cold-water coral communities and other vulnerable high-seas features and ecosystems.

Thus, IUCN particularly welcomes the General Assembly's call for an addendum to the Secretary-General's annual report to the General Assembly, focused on risks to the biodiversity of vulnerable marine ecosystems, especially those posed by high-seas activities (A/58/L.19). We plan to contribute to next year's discussions, exploring in greater detail both the immediate risks posed by high seas bottom-trawl fisheries and the opportunities and tools available to address risks of all types through international measures and arrangements. By beginning to tackle the larger question now, the international community may truly lay the groundwork for coordinated, global precautionary action.

On the more immediate risks, IUCN has joined with other scientists and conservation organizations in calling for immediate protection of seamounts, deep

water corals and other biodiversity hot spots from high seas bottom-trawling. Together with the World Wildlife Fund and the Natural Resources Defense Council, we have circulated a preliminary report indicating that both the amount and the value of current high seas bottom-trawl catch are less than 1 per cent of the global marine fisheries catch. Only approximately a dozen nations profit from those fisheries, yet they are significant, they are expanding and they are largely unregulated. The risks they pose to vulnerable deep-sea habitats and ecosystems, as well as the serial depletion of targeted deep-sea fish stocks associated with those features, seem a high price for the international community to pay.

Another IUCN concern is that business as usual in many of the regional fishery management organizations may exacerbate adverse trends in global marine fisheries. We strongly support the regional fisheries management organization evaluation called for in the fisheries draft resolution on implementation of the 1995 Fish Stocks Agreement (A/58/L.18), and urge that a systematic and targeted reform agenda be developed that incorporates performance indicators.

Finally, and perhaps most importantly, a major upgrade is needed in national, regional and global arrangements to strengthen compliance with and enforcement of international rules by all flag States, shipowners and ship operators, as well as by those who profit from illegal maritime activities. It is high time for a systematic approach that makes full use of all available tools and mechanisms in a coordinated manner. We hope that the meeting next year of the Open-ended Informal Consultative Process and the informal meeting of the States parties to the 1995 Fish Stocks Agreement can focus first on those critical and urgent governance issues.

The President: In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on the Observer for the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I am pleased to make this statement on the work of the International Seabed Authority and to comment on some current issues relating to the oceans and the law of the sea.

I wish to welcome the new States parties to the Convention — especially Canada, whose delegation was an active participant in the negotiations on the Convention — and I look forward to other States becoming parties, in particular the United States of America, which is currently considering accession.

Once again, we have before us a very informative report of the Secretary-General. I should like to acknowledge the work of the secretariat of the Division for Ocean Affairs and the Law of the Sea and other agencies and bodies that contributed to the report, and to commend the Director of the Division, Mrs. Annick de Marffy, for her leadership. I have had a long association with Annick as a colleague and as a friend, and I should like to personally wish her a long and happy retirement.

The draft resolutions under item 52, "Oceans and the law of the sea", are very comprehensive, and I commend those who worked so hard to put them together. I note with satisfaction that throughout the draft resolutions, there are references to the needs and interests of developing countries. It is important that those needs be given practical meaning so that developing countries can see some tangible benefits from the implementation of the Convention. Those needs and interests were identified, based on responses of States, in a study prepared by the Secretary-General that is contained in document A/45/712. It would be useful to refer back to that study and the important recommendations that it contains to see how they can be given practical effect.

I wish to express the appreciation of the International Seabed Authority to the delegations that have expressed their support for the Authority's work. It is encouraging that there continues to be such a high level of interest in its work. I believe that to be a positive indication of the commitment of member States to see the Authority fulfil its responsibilities in accordance with the 1982 Convention and the 1994 Agreement relating to the Implementation of Part XI of the Convention.

I hope that as many member States as possible will be able to attend the next session of the Authority, which will take place from 24 May to 4 June 2004 and which will be preceded by an additional week of meetings of the Legal and Technical Commission. That session will mark another milestone in the life of the Convention, as it will be the tenth anniversary of the Authority's establishment.

In light of the experience gained since the Authority began to function as an autonomous body,

and taking into account the continuous developments in science and technology that have taken place with respect to deep-seabed mining, I had indicated to the Assembly of the Authority that, at its tenth session, I would present a comprehensive three-year plan that would include proposals for streamlining and restructuring the secretariat in such a manner as to reflect the more technical emphasis in the Authority's work. I hope that a rigorous and comprehensive multi-year work programme will be of benefit to all member States and that it will help the Assembly of the Authority to prioritize activities and will provide a mechanism to measure performance against clearly stated objectives.

I should like to take this opportunity to remind States of the decision taken by the Assembly of the Authority to establish a trust fund to help developing countries members of the Legal and Technical Commission and of the Finance Committee to participate in the work of those bodies. I urge Member States to consider making contributions to the trust fund.

One important outstanding organizational matter that has been of concern to member States of the Authority for several years is the supplementary agreement between the Authority and its host country concerning the contributions to help meet the maintenance cost of the Authority's headquarters. At the Authority's ninth session, held in Kingston in July 2003, member States had urged me to work together with the Government of Jamaica to conclude a supplementary agreement as soon as possible. I am very pleased to be able to report to the General Assembly that, with the cooperation of our present colleagues in the Government of Jamaica's Ministry of Foreign Affairs and Trade, who took their obligations seriously as a host country, it has been possible to finalize an agreement with the Government of Jamaica. The conclusion of that supplementary agreement effectively completes the outstanding work with respect to the organizational phase of the Authority's existence.

Perhaps the most important way in which the Authority can contribute to the overall scheme for ocean governance set out in the Convention and the Agreement is as a repository of scientific data and information on the deep seabed and as a catalyst for marine scientific research in the international Area. Indeed, one of the Authority's basic responsibilities under the Convention is to promote and encourage marine scientific research in the Area and to disseminate the results of that research.

The most immediate and practical way in which the Authority has begun to implement its responsibilities is through a programme of technical workshops. Those workshops have brought together internationally recognized scientists, experts, researchers, contractors, representatives of the offshore mining industry and member States. They have covered issues such as the assessment of environmental impacts from deep-sea exploration, mining technology, the status of resources, standardization of techniques for data collection and prospects for international collaboration in deep-sea environmental research.

As a direct result of the workshops, the Authority has developed environmental guidelines for deep-sea nodule exploration and is in the process of elaborating international guidelines for standardization of data from deep-sea research, as well as a geologic model of the ocean floor in the Clarion-Clipperton fracture zone of the Pacific. Only last week, I met in New York with the representatives of contractors, and I feel very encouraged by their commitment to cooperate actively in the development of the geologic model.

In addition, the Authority is a partner with scientists and institutions from the United States, France, the Republic of Korea, the United Kingdom and Japan, as well as a number of contractors, in a major international research project to study large-scale patterns of species diversity and gene flow in the deep Pacific with a view to better predicting and managing the effects of deep-seabed mining. That project — which is funded substantially by the J. M. Kaplan Fund — will use state-of-the-art molecular and standardized morphological taxonomy to evaluate levels of species overlap and rates of gene flow across the nodule province for key components of polychaetes, nematodes and foraminifera. Within the framework of that project, it is also proposed that scientists from developing countries be trained in the use of molecular techniques for the study of biodiversity. The results of the project — including specific recommendations on minimizing risks to biodiversity resulting from seabed mining — will be disseminated through the Authority to the international community.

In my statement to the Assembly last year, I mentioned that scientific research in the oceans, including the ocean floor, is perhaps the most significant of all ocean activities because it relates directly to improvement in all uses of the ocean and also to the invention of new uses. Therefore, it is particularly encouraging to note the recommendation, contained in paragraph 68 of draft resolution A/58/L.19, that the next meeting of the Consultative Process should organize its discussions around the question of the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction. That is a matter of particular concern to the Authority, because it is becoming increasingly obvious that the areas of greatest biological diversity in the deep ocean are the areas where the highest concentrations of minerals are found. Since it is the responsibility of the Authority, under article 145 of the Convention, to ensure that measures are taken to protect the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area, it is equally obvious that evaluation of the ecology of the deep ocean is a very important aspect of the Authority's work.

Every time a scientist makes a completely unexpected discovery in the oceans, it is a reminder of how little we know about that critical environment. By now, it must be clear to all of us that long-term epistemic management of the deep ocean environment, or biosphere — which should be the goal to which we aspire — will require thorough knowledge and a catalogue of ocean resources, both living and non-living. Not only must this be done, but the results of such a study must be shared among all nations — developed and developing, coastal and landlocked — on an equitable basis. For we cannot protect, conserve or otherwise sustainably manage the marine ecosystem with little or no knowledge of the marine environment.

The problem is that no single nation has the financial, technological and intellectual capacity to undertake a global scientific research programme of the magnitude that is required. To be truly effective, international collaboration on a vast scale is needed, involving scientists, researchers, organizations and Governments from around the world. We are beginning to see such programmes take shape.

The Authority's own modest efforts to develop a better understanding of the deep ocean environment are based on broad cooperation between prospective miners, research institutions and individual scientists. On a more ambitious scale, the Census of Marine Life is a programme of international research involving more than 60 institutions from 15 countries for assessing and explaining the diversity, distribution and abundance of marine organisms throughout the world's oceans. Likewise, the Integrated Ocean Drilling Programme, involving scientists from some 23 countries, is designed to study geological and geophysical aspects of the seabed. Many other cooperative programmes, of various levels, complexities and formality, are also taking place.

But it is my belief that much more could be done to promote, sustain and manage an effective international programme for ocean exploration. It seems to me that this is an area in which the General Assembly, as the supreme political body of the United Nations system and with global competence for ocean governance, could take a lead and declare its support for enhanced efforts in the research and exploration of the oceans.

In this regard, rather than act as a vehicle for bureaucratic coordination, the General Assembly should take the initiative to identify areas of study of broad international interest such as, for example, deep ocean biodiversity, the sub sea biosphere, seamounts and marine biotechnology and promote collaborative research among scientists, institutions and Governments of all nations. By galvanizing international opinion and fostering the political commitment to contribute to such programmes, we would hope to drastically alter the existing situation in which the world spends tens of billions of dollars on research on outer space and only a very small fraction of that amount on understanding the ocean, which plays such a vital role in sustaining human life on planet Earth. More importantly, since economic development is directly linked to developments in science and technology, it is only in this way that we will collectively begin to give effect to the ideal expressed in the preamble of the United Nations Convention on the Law of the Sea for a "just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries ...".

I hope we will have an opportunity during the informal consultations on the law of the sea next year to give consideration to a General Assembly

declaration in order to give new impetus to ocean exploration as a major goal for humankind for the twenty-first century.

The President: I thank the Secretary-General of the International Seabed Authority.

In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on Mr. Dolliver Nelson, President of the International Tribunal for the Law of the Sea.

Mr. Nelson (International Tribunal for the Law of the Sea): It is an honour for me, on behalf of the International Tribunal for the Law of the Sea, to address this fifty-eighth session of the General Assembly in the annual review and consideration of the agenda item entitled "Oceans and the law of the sea".

It is a particular pleasure for me to speak to a General Assembly that is meeting under the presidency of Mr. Julian Robert Hunte, Minister for External Affairs of Saint Lucia. I extend to you, Sir, my personal congratulations and those of the Tribunal on your election as President of the General Assembly.

I would like to take this opportunity to report to the General Assembly on the developments that have taken place with respect to the Tribunal since the last General Assembly session.

First of all, it is with great regret that I inform you of the death, on 29 March 2003, of our esteemed colleague and friend Judge Lennox Fitzroy Ballah of Trinidad and Tobago. Mr. Ballah had been a member of the Tribunal since April 2002. His term of office was due to expire on 30 September 2011. At a special Meeting of States Parties to the United Nations Convention on the Law of the Sea, convened on 2 September 2003, Mr. Anthony Amos Lucky, of Trinidad and Tobago, was elected to fill the vacancy for the remainder of his predecessor's term, in accordance with article 6 of the Statute of the Tribunal.

With respect to organizational matters, I inform the General Assembly that during the current year the Tribunal held two sessions — the fifteenth session, from 10 to 21 March 2003, and the sixteenth session from 8 to 19 September 2003. These sessions were devoted to administrative and legal matters.

Last year I was unable to address the General Assembly, as the Tribunal was engaged in hearing the Volga case between the Russian Federation and Australia. The Russian Federation submitted this case to the Tribunal on 2 December 2002 by an application under article 292 of the United Nations Convention on the Law of the Sea, which deals with the prompt release of vessels and crews. The Tribunal delivered its Judgment on 23 December 2002.

In this case, the Tribunal was faced for the first time with the issue of non-financial conditions attached by the detaining State to the security required for the release of the vessel. In this regard, the Tribunal held that the inclusion of additional non-financial conditions in such a security would defeat the object and purpose of article 73, paragraph 2, of the Convention.

On the problem of continuing illegal, unregulated and unreported fishing in the Southern Ocean, the Tribunal had this to say, in paragraph 68 of its Judgment:

> "The Tribunal understands the international concerns about illegal, unregulated and unreported fishing and appreciates the objectives behind the measures taken by States, including the States Parties to CCAMLR, to deal with the problem."

This year, the Tribunal heard its twelfth case. The case was instituted by Malaysia against Singapore on 5 September 2003. It concerned Malaysia's request for provisional measures under article 290, paragraph 5, of the Convention, in its dispute with Singapore regarding land reclamation by Singapore in and around the Straits of Johor. The Tribunal delivered its Order on 8 October 2003.

The Tribunal once again stressed the central role and cardinal importance of cooperation between the parties in the protection and preservation of the marine environment and reiterated the statement made in the MOX Plant Case in the Order of 3 December 2001, paragraph 82, that "the duty to cooperate is a fundamental principle in the prevention of pollution of the marine environment under Part XII of the Convention and general international law ...".

The Tribunal was of the view, in paragraph 99 of the Order, that "prudence and caution require that Malaysia and Singapore establish mechanisms for exchanging information and assessing the risks or effects of the land reclamation works ...". With a view to achieving this objective, the Tribunal did prescribe

provisional measures pending a decision by the Annex VII arbitral tribunal.

I am pleased to note that the Order of the Tribunal in the case concerning land reclamation by Singapore in and around the Straits of Johor was adopted unanimously and that the two ad hoc judges who participated in the proceedings also joined the unanimity.

A case still pending on the docket, concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean (Chile v. European Community), was submitted to a chamber of the Tribunal. The time limit for making preliminary objections with respect to the case was extended at the request of the parties to enable them to reach an agreement.

The Tribunal, as already mentioned, has dealt with 12 cases so far. In its decisions, which have been delivered within remarkably short periods, the Tribunal has made significant pronouncements on several aspects of the United Nations Convention on the Law of the Sea. I would like to convey our special gratitude to the sponsors of the draft resolution for noting the continued contribution of the Tribunal to the peaceful settlement of disputes, in accordance with Part XV of the Convention, and for underlining the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement relating to the Implementation of Part XI of the Convention.

Thirty-two States parties have made written declarations relating to the settlement of disputes under article 287 of the Convention and 19 States parties have chosen the Tribunal as the means or one of the means for the settlement of disputes concerning the interpretation or application of the Convention. It is to be hoped that an increasing number of States will utilize the possibility offered by article 287 of the Convention of choosing means for the settlement of disputes concerning the interpretation or application of the Convention, as stated in the draft resolution. Another alternative that States may use is to confer jurisdiction on the Tribunal through international agreements. Several such multilateral agreements have already been concluded.

The cases dealt with by the Tribunal to date have been largely confined to instances where the Tribunal has been granted special jurisdiction — the prompt release of vessels and crews and the prescription of provisional measures. It is fitting for me to remind delegates that the Tribunal has competence under the Convention, and remains ready to resolve a much wider range of disputes concerning the interpretation or application of the Convention.

I wish to draw the attention of delegates to General Assembly resolution 55/7, entitled "Oceans and the law of the sea", of 30 October 2000, whereby the Assembly requested the Secretary-General to establish and administer a voluntary trust fund to assist States in the settlement of disputes through the Tribunal. Only one State has so far made contributions to the fund. I hope that more contributions would be forthcoming to make that fund meaningful.

As reported last year to the General Assembly, the Tribunal has taken steps to strengthen its relations with other international organizations and bodies. During the current year, the Tribunal has concluded such arrangements with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Secretariat of the International Seabed Authority, the European Court of Human Rights and the Inter-American Court of Human Rights.

As of November 2003, there was an unpaid balance of assessed contributions to the overall budget of the Tribunal in the amount of $1,704,736 for the 1996-1997 to 2003 budgets of the Tribunal. The Tribunal is aware of the difficulties this situation may raise with respect to its proper functioning. The Registrar will send notes verbales to the States parties concerned in December 2003, reminding them of their outstanding contributions to the budget of the Tribunal.

There has been full and cordial cooperation between the Tribunal and the host country, the Federal Republic of Germany. Negotiations on the Headquarters Agreement between the Tribunal and Germany started in 1996. However, the Headquarters Agreement has not yet been concluded. The relations with the host country are currently governed by the Convention on the Privileges and Immunities of the Specialized Agencies of 1947. It has to be noted that the Tribunal operates within the United Nations system and therefore has to be treated in a manner consistent with the practices concerning United Nations institutions.

Since it is the first time that I am able to present this statement to the General Assembly, I take this opportunity to express my profound appreciation for the work of my predecessors, Judge Thomas Mensah and Judge Chandrasekhara Rao.

I also wish to place on record our deep appreciation to the Federal Republic of Germany and, in particular, to the Free and Hanseatic City of Hamburg for the excellent cooperation extended to us.

I conclude by expressing my gratitude to you, Mr. President, and to delegates for the opportunity granted me to address the Assembly. I also wish to thank the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for their support. Here I must acknowledge, on behalf of the Tribunal, the immense contribution Mrs. Annick de Marffy has made to the development of the law of the sea.

I wish the General Assembly every success in its important deliberations at this session.

The President: We have heard the last speaker in the debate on agenda item 52 and its sub-items (a) and (b).

We shall now proceed to consider draft resolutions A/58/L.18 and A/58/L.19.

I should like to inform members that action on draft resolution A/58/L.19 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on this draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

Before giving the floor to the speaker in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Tuğral (Turkey): I would like to explain my delegation's position before taking action on the draft resolution contained in document A/58/L.18. Turkey supports the international efforts to establish a regime of the sea based on the principle of equity and which can be acceptable to all States. However, the United Nations Convention on the Law of the Sea does not make adequate provision for special geographical situations, and as a consequence is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and most of its provisions, we are unable to become a party to it owing to those serious shortcomings.

For the aforementioned reasons, we are unable to give our consent to certain references to the Convention made in draft resolution A/58/L.18, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", in particular to its second operative paragraph where States are called upon to become parties to it. In this respect, Turkey disassociates itself from the consensus on this paragraph.

The President: We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take action on draft resolution A/58/L.18, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

Before proceeding to take action on the draft resolution, I would like to announce that, since its introduction, the following countries have become sponsors: Cyprus, Sierra Leone and Mauritius.

May I take it that it is the wish of the General Assembly to adopt draft resolution A/58/L.18?

Draft resolution A/58/L.18 was adopted (resolution 58/14).

As members will recall at the beginning of the consideration of this item, I reminded them of the decision taken by the General Assembly to review the recommendations by the Committee for Programme and Coordination pertaining to the in-depth evaluation of the law of the sea and ocean affairs and to transmit all relevant comments to the Fifth Committee prior to that Committee's consideration of the proposed medium-term plan and its revisions. It is my understanding that the General Assembly endorses the

recommendations made by the Committee for Programme and Coordination, as contained in chapter III, section C.2, of its report (A/58/16), pertaining to the in-depth evaluation of the law sea and ocean affairs. It is my intention to communicate that information to the Chairman of the Fifth Committee by means of a letter.

If I hear no objection, it is so decided.

The General Assembly has thus concluded the present stage of its consideration of agenda item 52 and its sub-items (a) and (b).

At this stage I would like to thank the interpreters for their support and cooperation, both before lunch and at this particular point in time. Thank you very much.

The meeting rose at 6.35 p.m.